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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR**

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HEARING

BEFORE THE

**SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE**

EIGHTY-THIRD CONGRESS

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CONTENTS

Index-----	Page
Testimony of—	I
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on Investigations-----	2245
	III

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

TUESDAY, JUNE 8, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:45 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senators Karl E. Mundt, Republican, South Dakota; Everett McKinley Dirksen, Republican, Illinois; Charles E. Potter, Republican, Michigan; Henry C. Dworshak, Republican, Idaho; John L. McClellan, Democrat, Arkansas; Henry M. Jackson, Democrat, Washington; Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair regrets that we were late in starting this morning, but we had an executive session which took a little time, so we couldn't avoid it.

The Chair would like to welcome our guests who are attending the hearing this morning and to remind them of the standing committee rule that any audible manifestations of approval or disapproval of anything taking place in this committee room are strictly forbidden by the committee rules. The uniformed officers in the room and the plainclothes men seated among you have a prevailing set of orders from the committee to remove from the room immediately, politely but firmly, any of you who elect to violate the terms by which you entered the room, namely, to refrain entirely from audible manifestations of approval or disapproval.

The Chair again instructs our plainclothes people and our uniformed guards, without any further instruction from the Chair and without any interruption to the proceedings, to carry out the orders of the committee should there be any violation of those rules.

Our audiences have been uniformly courteous and cooperative. We have every confidence they will continue to be that way.

As we concluded yesterday, we had finally terminated the long task of getting the monitored phone calls into the record and, Mr. Counsel, we have Mr. Cohn back on the stand, and we will start our 10-minute go-around with you, if you have any questions to ask at this time.

Senator JACKSON. Mr. Chairman.

Senator MUNDT. Senator Jackson?

Senator JACKSON. May I follow up on what had been discussed in part yesterday, namely, that Mr. Clifford be called as a witness, so that the public understands. I made a motion this morning in executive session that he be called, and it was seconded by Senator McClellan. The motion was defeated by a substitute on a 4 to 3 vote. I just wanted the public fully to understand what has transpired since the request of yesterday.

Senator MUNDT. What Senator Jackson says is entirely correct. The substitute motion means that we continue the rules by which the committee has operated up until this time, to the effect that those called before the committee will be subpoenaed on the recommendation of counsel to the Chair. As the Chair announced in executive session, he now announces publicly: If we determine to run these hearings beyond the specific number of witnesses requested by Mr. Welch, representing one side of the controversy, certainly the Chair will serve a subpoena on Mr. Clifford and have him called as one of the witnesses if that is the desire of any member of the committee or any principal to the controversy.

Senator SYMINGTON. Mr. Chairman, a parliamentary inquiry. Does your statement mean that Mr. Clifford is going to be called? And if so, when?

Senator MUNDT. My statements stand on their own, and that is—

Senator SYMINGTON. Would you be good enough to answer that? Is Mr. Clifford going to be called; and if so, when?

Senator MUNDT. Mr. Clifford will be called if the committee decides to run these hearings beyond the specified number of witnesses suggested by the Army's side of the controversy. As to when, of course, I couldn't answer that question.

Senator SYMINGTON. A lot of charges were made against Mr. Clifford yesterday, and I would suggest now that you tell us whether or not you are going to call Mr. Clifford, or whether you are going to continue on the vote which was a party-line vote, 4 to 3, not to call him?

Senator MUNDT. There was no such vote not to call him. I must correct the record. The vote will ultimately be published, and we must have the record correct. The vote, which passed by 4 to 3, was that we continue exactly the procedure we have followed up to now, and that is to subpoena witnesses on the advice of counsel. The Chair will then subpoena them and, of course, they will appear.

Since this has come up I might give a word or two of background as to what transpired at the executive meeting. The purpose of the meeting was to determine whether or not it would be possible now in the interest of time to terminate these hearings at some foreseeable date, to agree upon a list of witnesses to be called, and having agreed upon that, to set a target date for the complete adjournment sine die of these hearings.

It was brought out by some of the committee members, and the Chair thought with complete validity, that before they could vote intelligently on such a motion they should have an opportunity to read the executive testimony of the witnesses who have appeared in private session. So the Chair is today having transcribed and delivered to the counsel's office all of the testimony of all of the witnesses who have appeared in executive session.

When committee members have had a fair chance themselves, as has counsel, to examine that testimony, the Chair is then going to call another executive meeting of the committee to go around the table and find out just what witnesses the principals involved or committee members feel should be called before we terminate these hearings.

At that time I am very hopeful that we can agree on a list, however large or however small, so that we won't have to be held here interminably and forever by these committee hearings which have a tendency to spread and to expand without any guidance whatsoever, unless by now we can sit down among ourselves and agree on the witnesses to be called.

At that time certainly the name of Mr. Clifford will be before us, and if it is decided to go beyond the witnesses that Mr. Welch now tells us he wants to have called adequately to present his side of the case, then certainly Mr. Clifford will be called.

You have no questions. The Chair has none. He yields, then, to Senator McClellan for his 10-minute period.

TESTIMONY OF ROY M. COHN—Resumed

Senator McCLELLAN. Mr. Cohn, if you could refer to your document, again, we will go through this as rapidly as we can. According to my document, we were on page 13, and your charge or specification No. 24.

Mr. COHN. I think we had gone beyond that, sir. I mean——

Senator McCLELLAN. No, sir, we were discussing 24 when we concluded, if I recall correctly.

Mr. COHN. I sort of remembered, sir, you had asked me about—yes, about 31.

Senator McCLELLAN. I was on 31.

Mr. COHN. That is right; yes, sir.

Senator McCLELLAN. I don't recall, but just to get the connection, will you state now the one he sought to punish? I believe you said, that you mentioned specifically that Mr. Adams sought to punish, was General Lawton.

Mr. COHN. That is the outstanding one.

Senator McCLELLAN. Then that is sufficient. Then I think you agree with me that General Lawton should be a witness here, to either refute that charge or sustain it, don't you?

Mr. COHN. Pardon me, sir?

Senator McCLELLAN. I think General Lawton should be a witness here, either to support their charge or refute it.

Mr. COHN. Sir, I think it would be fine to have him, and I am sure he would be glad to come.

Senator McCLELLAN. Do you think we can make the record without him?

Mr. COHN. I think the record is made, sir. Mr. Stevens and Mr. Adams—

Senator McCLELLAN. I know, but you don't want him to be heard? He is the man who was threatened.

Mr. COHN. I didn't say he should not be heard, sir.

Senator McCLELLAN. All right. I think he should be and I think you should agree with me that he should be. Let's go to No. 32. You charge there that from mid-October through January 1954, from mid-October through January 1954, Mr. Adams sought, on numerous occasions, to secure from the chairman and subcommittee staff, a promise of silence, if he and Mr. Stevens "broke" General Lawton, commanding general at Fort Monmouth, and relieved him of his command.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Is that true?

Mr. COHN. Yes, sir; it is.

Senator McCLELLAN. Do you regard that as a serious act, a serious threat?

Mr. COHN. Yes, sir. I think that General Lawton was badly treated.

Senator McCLELLAN. Could there be anything more reprehensible than to threaten a general if he was simply cooperating in trying to get the Communists out of the Army?

Mr. COHN. It is very serious, sir.

Senator McCLELLAN. Very serious?

Mr. COHN. Yes.

Senator McCLELLAN. All right. Let's go to No. 33. On or about October 21, 1953, and on repeated occasions thereafter, Mr. Adams used every effort to discover the names of persons reporting instances of Communist infiltration to the subcommittee, stating that if he discovered any in his Department, he would have their heads. Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Do you regard that as coddling Communists, if true?

Mr. COHN. Well, sir, of course that gets into this question of informants that we have had so much discussion about here.

Senator McCLELLAN. I understand. But if true, I am talking about Adams' action—

Mr. COHN. I think he was quite wrong, sir.

Senator McCLELLAN. That would be coddling Communists, wouldn't it? I can't place any other interpretation on it. If you can, tell the committee and tell the audience what it is, what other interpretation could be placed on it.

Mr. COHN. Yes, sir. I think in fairness to Mr. Adams, sir, I have to say that at that point he took the position that he was going to get the head of anybody working for him who was giving information to the subcommittee.

Senator McCLELLAN. At what point? You state on October 21. Is that the point you are talking about?

Mr. COHN. Yes; I am very sure it was that night.

Senator McCLELLAN. That was very early, then, in your acquaintance with him, wasn't it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Quite early.

Mr. COHN. He took the position that if he found anybody in his Department that was giving us information, he would have their heads. He did not tie that in with any statement on his part that he thought Communists should be protected or anything along those lines. I have to say that in fairness to him.

Senator McCLELLAN. He didn't say that, but he said he would get the heads of anybody that gave information about it?

Mr. COHN. His point was he did not want people in his organization to give us the information; yes, sir.

Senator McCLELLAN. Well, that is an obstruction from your viewpoint, wasn't it?

Mr. COHN. I thought he was wrong, sir.

Senator McCLELLAN. You thought he was wrong, then.

Did that continue on from that date?

Mr. COHN. Yes, sir; it did.

Senator McCLELLAN. All the way through your acquaintance with him until your relations were broken off, as you call it?

Mr. COHN. I remember October 21. I remember a few instances thereafter. Certainly it continued through December.

Senator McCLELLAN. All right, let's go to 34.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I read from the next to the last sentence:

He was—

he refers to Mr. Adams—

He was told that in view of information which both he and the subcommittee had, that numerous persons with Communist records had been cleared by this board—

and I assume you are speaking about the loyalty board; is that correct?

Mr. COHN. Yes, sir.

Senator McCLELLAN (reading):

had been cleared by this board—

Mr. COHN. Screening board.

Senator McCLELLAN. Sir?

Mr. COHN. It was the top loyalty board.

Senator McCLELLAN. Top loyalty board—

a whitewash of them was impossible. At various times in December and January he told Mr. Cohn and Mr. Carr that he "would stop at nothing to prevent the subcommittee from going into this."

Is that true?

Mr. COHN. It is, sir.

Senator McCLELLAN. Didn't you regard that as a threat?

Mr. COHN. I regarded that as a statement that he was going to do everything he could to stop us from examining the members of the loyalty board.

Senator McCLELLAN. He was threatening to obstruct, at least, wasn't he?

Mr. COHN. Yes.

Senator McCLELLAN. Threatening to obstruct the committee's work?

Mr. COHN. Yes, sir. He certainly did not want us to examine the members of the loyalty board.

Senator McCLELLAN. That is correct. Now let's go to No. 36.

The following days—

I assume that refers to the statement in the previous paragraph, to wit, in which January 19 is mentioned, does it?

Mr. COHN. Yes, sir.

Senator McCLELLAN (reading):

The following days Mr. Adams communicated with other members of the subcommittee and stated that unless the chairman was prevailed upon to drop his investigation and not to issue subpoenas for those in the loyalty setup, Mr. Adams would cause an embarrassing report to be circulated about Mr. Cohn.

Do you regard that as a threat? It is true, isn't it?

Mr. COHN. Oh, yes; I think the testimony of the Republican Senators here has established that.

Senator McCLELLAN. It is true he threatened to issue a report against you unless the subpoenas to the loyalty board were withdrawn?

Mr. COHN. I think that is the substance of it.

Senator McCLELLAN. Will you name the members of the committee he went to and made that threat?

Mr. COHN. Sir, I have heard the testimony here of Senator Dirksen, Senator Mundt, and particularly those two. I don't recall—

Senator McCLELLAN. Do you interpret their testimony as corroborating that, that he did make such a threat to them?

Mr. COHN. I do.

Senator McCLELLAN. That is the way you interpret the testimony of the Senators you have named?

Mr. COHN. Yes; I do, sir.

Senator McCLELLAN. No. 40:

On or about January 27, 1954, Mr. Adams told Mr. Carr that Mr. Adams had to prevent the appearance of those connected with the loyalty procedure and that this was one issue on which he would stop at nothing.

Is that true?

Mr. COHN. That was not told to me personally, sir. That was told to Mr. Carr. He told it to me.

Senator McCLELLAN. Then it would be important to have Mr. Carr testify on that point.

Mr. COHN. Surely.

Senator McCLELLAN. To sustain or refute the charges.

Mr. COHN. I can tell you this: Mr. Carr told me such a conversation took place, and I know Mr. Carr and his record in the FBI, and I am sure it did take place.

Senator McCLELLAN. Then we follow on down here—I am sure you are familiar with them—No. 41, 42, and 43, where you mention other dates that Mr. Adams had taken about the same position. Are they all correct?

Mr. COHN. Yes, sir, I am sure they are. Yes, sir.

Senator McCLELLAN. They are all correct.

In No. 45, you refer to "this document" which you now hold in your hand, the original of it or the originals of it, which were distributed to members of the committee and later released. No. 45:

This document was issued for the very purpose announced in advance by Mr. Adams, to stop the subcommittee's investigation of Communist infiltration into the Army.

Do you make that charge now and say that that was the very purpose for which the document was issued?

Mr. COHN. I am sure it was the purpose for which it was issued; yes, sir.

Senator McCLELLAN. So you make that statement now.

Then you state further:

And it succeeded, at least temporarily.

Mr. COHN. Yes, sir.

Senator McCLELLAN (reading):

It was issued in bad faith, as established by the fact that in spite of numerous instances of actual intervention in military assignments by public officials, never before was such a report issued.

Do you charge now that it was issued in bad faith by the Secretary of the Army and by Mr. Adams?

Mr. COHN. Senator McClellan, I not only do, but I think that Mr. Stevens' statement in the telephone conversation with Senator Symington on March 8, that this whole thing was grossly exaggerated and there was nothing to it, is ample demonstration of the fact that it was issued in bad faith.

Senator MUNDT. The Senator's time has expired.

Senator Potter?

Senator POTTER. Mr. Chairman, I have no further questions to ask Mr. Cohn. I don't want to take too much time because I would like to allow Mr. Welch as much time as possible to conduct his cross-examination.

I would like, however, to explain one thing to the people who are here and the people who might be watching on television.

We have had several 4-to-3 votes in the committee. I regret that a partisan connotation has been put on this hearing. I regret that all of our actions can't be unanimous.

This is the 29th day of this hearing.

We have 8 Senators who are busy people, who were elected by their States to represent them in the Senate of the United States, but who are tied up here.

Ladies and gentleman, the end is still not in sight. I am wondering whether we are carrying out our responsibilities as public servants by not trying to find a method to bring these hearings to an honorable conclusion. I say that certainly after 29 days and with the plans to have Senator McCarthy and Mr. Carr give their testimony, if we go back and pick up every witness that every member of this committee would like to have heard and every principal would like to have heard, we will be here until November 4.

I don't wish to suggest that our friends on the other side of the table would like to have these hearings continue until November 4, but I will say, for one on this side of the table, I am convinced we can ascertain the facts, which is our job, and conclude these hearings in a matter of days if we work with a singleness of purpose to do so.

There is no doubt that these hearings have more or less degenerated from the basic issue of ascertaining the facts. We have personality conflicts that are becoming hotter by the moment and which do no one any good.

So I would like to suggest to my colleagues on both sides, search your conscience and your good reasoning in an effort to ascertain the facts that are pertinent to this investigation and controversy and then

bring these hearings to a conclusion so we can carry out the other functions of our duties in the Senate.

That is all.

Senator MUNDT. Thank you, Senator Potter, for those wise and dispassionate words of confidence.

Senator Jackson.

Senator JACKSON. Mr. Chairman, might I just add a word or two to the very fine remarks of my good friend, the distinguished Senator from Michigan.

I think that probably the hardest thing to practice in sitting here before so many people is restraint. I know that I find it difficult to follow as well as I should, being a human being.

I would like to say, however, that when names are brought into this controversy not by some of us on this side of the aisle or by, I think, any of the people at the head table here, the members of the committee, Senators both Republicans and Democrats, I think just simple American fair play requires that the other side be heard.

If you want to cut down and speed up these hearings, then let's avoid bringing in additional people. I think everyone, not lawyers, not speakers on evidence or anything else, but every American, be he high or low, certainly understands that when an individual has been discussed at great length before millions of Americans, that individual has a right to be heard.

The way to avoid adding witnesses is not to bring in the additional names. I think we can all agree on that, and I say I think that all of us who are sitting in judgment on this have tried, both on the Republican and Democratic side, to avoid bringing in additional names.

Now, if we are going to bring them in, then fair play dictates that they have an opportunity to be heard. That is why I made the motion this morning. It is just that simple, with reference to Mr. Clark Clifford.

Mr. Cohn, now that we Senators have got out of the way our habit of making a talk now and then, and I confess to that and I think all of us will up here at the head table, may I revert briefly now to complete my interrogation regarding Mr. Crouch, and the way this thing started.

Mr. COHN. Surely, sir. Mr. Crouch was not the way the thing started, sir.

Senator JACKSON. I know, but he was the first name that you referred to when this document was introduced of a thousand names. I think you have stated that he did not give any indication of people in radar laboratories in that statement.

Mr. COHN. Sir, I looked it over. I think there is a statement about people in chemical laboratories and things along those lines. I don't see the word "radar" used, and you are correct in that. I know that he did discuss the Signal Corps and the radar situation with us. In the memorandum, you are correct, the word "radar" —

Senator JACKSON. By the way, did you make a memo of your conversation with Mr. Crouch?

Mr. COHN. No, I didn't. Dave Schine talked to Mr. Crouch. Dave Schine obtained this memorandum which you have, Senator, from him in March. I talked to Mr. Crouch on several occasions. I don't

think I have ever made a memorandum of my conversations. I am not good at making memoranda, sir.

Senator JACKSON. Well, I wouldn't try to challenge you on that, because there are a number of memoranda that were released to the press awhile back, and I believe that was—when was it, in March? So that at least I think it is logical that I ask the question about memoranda, because memoranda had been released to the press relating to conversations that some of the staff had with different people.

Mr. COHN. Surely, sir.

Senator JACKSON. Now, wouldn't it be important, though, for Mr. Schine to make a note of the fact that he had mentioned—what do you say, chemical laboratories and the Signal Corps?

Mr. COHN. I think that is in the report.

Senator JACKSON. I have looked over this report, and they just make the blanket statement—

Mr. COHN. Could I see a copy of that, sir?

Senator JACKSON. I will let you have the only one I have, this one. [Document handed.]

A thousand names are given in the Army, which is pretty indefinite, Mr. Crouch having left the Communist Party, I understand, in 1941 or 1942. I think what we need, Mr. Cohn, is some memoranda from the files which would indicate that the hearing was initiated back in March.

Mr. COHN. Well, I think you have this memorandum which came in March—I can give this back to you, sir. [Document returned.] I can also give you some testimony, if you wish, about some other people.

Senator JACKSON. But 95 percent of Mr. Crouch's memorandum relates to a trip to Russia in 1927 and 1928.

Mr. COHN. I have what I want, sir. It is on page 3 of the memorandum. I believe it says:

I was reprimanded for neglecting the Navy yards and civilian workers in munitions and chemical industries.

That is the sentence to which I have reference.

Senator JACKSON. I know, but that is just like saying the Army as a whole. He doesn't mention Monmouth, he doesn't mention specific places, he is just making the statement that the Communists have infiltrated. As a matter of fact, is it not true, Mr. Cohn, that under the Draft Act a member cannot be excluded from the draft if he is a member of the Communist Party?

Mr. COHN. No, sir; I believe you are right. He can't be excluded by selective service. I don't think that stops the Army from taking any action.

Senator JACKSON. No; but when he says there are thousands in the Army, you would automatically say that if there are 25,000 or 50,000 Communists in the United States, and they have children, you are automatically going to get a certain number of Communists into the Army.

Mr. COHN. Yes, sir; and that, of course, would raise the question of commissioning them as officers and it would raise the question of their treatment and observations once they are inducted into the Army.

Senator JACKSON. Let's get back to whether there is any memo in the files. You mentioned, I think, in your earlier testimony the other day

that you or someone of the staff, I think someone on the staff, had talked with an Army officer——

Mr. COHN. Yes, sir.

Senator JACKSON. About an investigation in the Army. When was that?

Mr. COHN. That, I think, was in late February, as best I can give it to you.

Senator JACKSON. Do you have a memo on that?

Mr. COHN. No, I don't. I have a recollection on it, sir.

Senator JACKSON. Do you have any memoranda at all with reference to the initiation of the investigation into the Army other than the Paul Crouch document?

Mr. COHN. I think probably we do, sir; yes.

Senator JACKSON. Well, can we get that? I think that is very important, as you know, to the question of when the investigation of the Army got underway.

Mr. COHN. Well, of course, as I say, you have here a memorandum on Communist infiltration of the American Armed Forces, dated March 1953.

In addition to that, Senator Jackson, I believe you have Senator McCarthy's testimony that this two-and-a-quarter-page summary FBI information obtained from the Army came to us back around this period of time, maybe a month or 2 after. That is another thing. We did, you are right, sir, talk to an Army intelligence officer toward the end of February. I would not like to repeat his name here.

Mr. Stevens knows his name.

Senator JACKSON. I am not asking for his name.

Mr. COHN. No, sir. Mr. Stevens knows his name because I sent this Army intelligence officer over to see Mr. Stevens in September.

Senator JACKSON. I think I know who he is, but I am not asking for his name now. But I would like to have the memoranda that is available which would indicate a followup on the conversation with this major and anyone else that was interviewed on it.

Mr. COHN. Yes, sir.

Senator JACKSON. I think that is important.

Mr. COHN. I spent quite a lengthy evening with that major and discussed these things toward the end of February, I believe I think I had someone call him and find out when. He says it was the end of February. I remember where it was. I don't recall that I made a memorandum of that meeting, sir. I don't think I did.

Senator JACKSON. Well, was any memorandum or any followup made of the two-and-a-quarter-page document?

Mr. COHN. Well, to get back to the other thing, sir, there was a followup, because I know I talked, for instance, to this major. I have talked to him again since that date. I was aware of what he knew and so was Dave Schine. I think he might have supplied some documentation at that time or shortly thereafter, or told us where to get some documentation.

On the FBI memorandum, sir, when I got the name Aaron Coleman, as I think I explained, I checked that back against the record in the Rosenberg case. I think I bought a copy of the record in the Rosenberg case. And we followed it up——

Senator JACKSON. You said you have documentation. Can you supply that?

Mr. COHN. You have the Crouch memorandum, sir. You have—
Senator JACKSON. But the Crouch memorandum, Mr. Cohn, I have read it all the way through, that is just a general statement about the fact that the Communists were trying to infiltrate the Army, and he based that on a conference that he had in the Soviet Union in 1927 and 1928.

Senator McCARTHY. May I, Senator, just to shorten this—

Senator JACKSON. I have read it very carefully.

Senator McCARTHY. Senator, just to shorten it, may I say that if there are any memoranda in the file you are welcome to them. I doubt that you will find much because I was in constant verbal contact with Mr. Cohn and Mr. Carr every day. But if there is anything there, you are more than welcome to it. I will order my staff right at this minute to start a search. Keep in mind, they are pretty much immobilized by this hearing.

Senator JACKSON. I think it is very important in this case that we have a file of memoranda relating to this, and if we should have it right after lunch—

Senator McCARTHY. No, you won't have it right after lunch. You cannot go through all the files and get everything by right after lunch.

Senator JACKSON. We were told before that the Senator's—when the matters were brought up such as the two-and-a-quarter-page document, that we could get it without any trouble.

Senator McCARTHY. I will need Mr. Cohn to help to go through the files. As soon as you get him off the stand, we will try to get you whatever memorandum is there.

Senator JACKSON. Don't we have somebody in the office who can get this? How will we ever be able to get information when we need it?

Mr. COHN. We will get it to you.

Senator McCARTHY. Mr. Jackson, you will get what you ask for, but you know very well that the committee is completely immobilized by this hearing. I am now instructing the staff to proceed to go through the files and try to get you—what do you want? You want memoranda in regard—

Senator JACKSON. Initiation of the Army cases. I don't see why the staff should be immobilized working on this.

Senator McCARTHY. To save some time, I am going to order them right this minute to start going through the files and see what they can get for you.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Chairman, in the interest of expediting the hearings, I will pass.

Senator MUNDT. Mr. Welch?

Do I call on you first, or Senator McCarthy first?

Mr. COHN. Senator McCarthy first.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. Mr. Chairman, normally I have a considerable number of questions. However, in order to give Mr. Welch a chance to cross-examine this witness in detail, I am going to pass to Mr. Welch.

Let me say one of the reasons for that is that Mr. Cohn is being called to the service Friday. He is being ordered to Mr. Zwicker's command, incidentally.

I would like to have Mr. Welch have every opportunity to examine the witness before Mr. Cohn will get that preferential treatment under Mr. Zwicker.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Mr. Chairman, Senator McCarthy has told me informally that it was his intention to pass repeatedly today so that Mr. St. Clair and I could make progress with this witness. In that connection, Senator Potter, glancing down the table toward your smiling face, it is the intention of Mr. St. Clair and Mr. Welch to do better for everyone concerned than anyone could dream of. While the minutes of this morning's executive session are not being made public as of now, I understand, the consequence of that session was that I was filled with alarm lest we would meet some kind of adjournment or recess without having at least some opportunity at the witnesses that I deem essential.

Senator MUNDT. In all fairness, you must state, I think, that there was no suggestion whatsoever made by anybody that there be a recess before the witnesses you suggested were called.

Mr. WELCH. I understand, but time flies, and the days of the hearing build up. I want to make it clear that Mr. St. Clair and I both wish to see the Senator on the stand, and we wish to see Mr. Carr on the stand. The consequence is that Mr. St. Clair and I are prepared to drop out of our cross-examination, laboriously planned and built up, great gobs of it, so that we may proceed and at least have some time with the other two witnesses that we have in mind before something happens to these hearings.

Mr. Cohn has had my assurance that one large item or an item of his cross-examination is going to be dropped and, Mr. Cohn, I now make good on that arrangement with you. You suggested to me last night that your military record was reasonably long and that it was immaterial. As a lawyer, Mr. Cohn, I cannot differ with that last point. We fell into the habit in this room of talking about people's military careers, as you know, and when you stated your military career in the National Guard, it seemed to me that you stated less than all of it. But even so, whether my supporters, if I have any, like me for it or hate me for it, I have decided as I have told you, for the sake of speed, not to go into that somewhat long story.

Mr. COHN. Mr. Welch, I will say this: I am, of course, prepared to answer any questions you want to put to me about anything. You and I have talked from time to time after the session about the elimination of various matters which might be immaterial and might take a long period of time, and I am ready to talk to you at any time about any of those and eliminate any matters or add any matters or speed any matters to get these hearings to a conclusion.

Mr. WELCH. Thank you, sir. And, Mr. Cohn, it is quite clear, I think, that you and I have matters to discuss of more importance than my military career, which was trivial, in World War I, or Mr. St. Clair's, which was reasonably notable, in World War II, or yours, sir.

Mr. COHN. Yes, sir. I might say, you say we have gotten in the habit of doing it. I know neither Mr. Anastos nor Mr. Juliana of our staff, who have very fine records, much finer than mine—a lot of people have not gone into theirs.

Mr. WELCH. I do not wish to preclude you from making some statement about it at some time if you wish, but I have already stated what I will do about examining you.

Now, Mr. Cohn, let us turn to the things that I think are of some importance in this hearing.

First, I want a little discussion with you as a lawyer. We have been sitting in this room trying what, on the face of it, looks like a dispute between individuals. Do you not agree?

Mr. COHN. Yes, sir; sure.

Mr. WELCH. One in substance says 'tis and one in substance saying 'taint.

Mr. COHN. Sure.

Mr. WELCH. That is right. In the course of that 'tis and 'taint so, I would like to suggest to you, Mr. Cohn, that we have revealed and illuminated certain constitutional problems. Would you agree with me, sir, that we have revealed and illuminated certain constitutional problems?

Mr. COHN. Yes, sir.

Mr. WELCH. May I say to you, Mr. Cohn, that probably you and I would differ as to how those problems should be solved.

Mr. COHN. No doubt.

Mr. WELCH. But I would like to believe that we are in reasonable agreement as to what it is that we have revealed and illuminated.

We have in this hearing revealed what you might properly call a constitutional question as to the line of demarcation between the executive and the legislative; have we not?

Mr. COHN. Yes, sir.

Mr. WELCH. And we have constantly found ourselves in a position where executive directives or orders have been thwarting sometimes to both sides, haven't they?

Mr. COHN. Yes, sir.

Mr. WELCH. The question as to where that line is drawn and what a senatorial investigating committee may do about it is something that you and I know can be revealed and illuminated in this room; is that right?

Mr. COHN. Yes, sir.

Mr. WELCH. But it cannot be decided.

Mr. COHN. No, sir. I am sure there are a lot of things we can't decide in this room.

Mr. WELCH. The second thing that we have revealed and illuminated is this: We have the question of the right of a Senator, whether on this committee or any committee, to receive top secret documents from governmental employees and give them immunity from ever having their names known. We have that question, don't we?

Mr. COHN. That is a question, sir; yes, sir.

Mr. WELCH. Right, and then a subsidiary question, a part of this one, as to whether or not a Government employee who hands a top-secret document to a Senator has violated some part of his oath of office.

Mr. COHN. A question has risen about that, sir.

Mr. WELCH. That is right. Now, there is a second——

Mr. COHN. You know my view on it, sir.

Mr. WELCH. I understand, sir. And I take it, Mr. Cohn, you know mine?

Mr. COHN. Yes, sir.

Mr. WELCH. My view, Mr. Cohn, so that we will understand each other is this: If J. Edgar Hoover stamps on the top of a document the words "Secret" and "Confidential" for Welch that goes. You understand that, don't you?

Mr. COHN. Yes; I do, sir.

Mr. WELCH. That goes. And I do not understand that there is on it some invisible ink which says to whoever has that document:

Secret and confidential, but—

and then the invisible ink—

if anybody that sees it thinks Senator McCarthy ought to have it, it is okay to give it to him some night.

Mr. COHN. No, sir; I don't think it is that simple.

Mr. WELCH. Well, I like to make things dramatic. But it is a fact that according to you and the Senator, those words, to me a little magic and a little impressive, "Top Secret," are subject to be waived by anyone that has the document if he thinks that not enough action is being taken in respect to the document. And when the person weighing the action gets tired of waiting, you and the Senator believe that the person, the Government employee, who is tired of waiting, may come and see the Senator or you and hand you the document?

Mr. COHN. You do correctly state, sir, you have a very fine flair for the dramatic. I do think on the issue here it is just not that simple and maybe it is not that dramatic.

Mr. WELCH. Well, let's try to make it simple. Doesn't it come down to that? When the Government employee looks day after day at his or her copy of this top-secret document, but can't see any action, I understand it is the Senator's position and yours that when that person, male or female, runs out of patience, it is time then to give the document to the Senator or to you?

Mr. COHN. No, sir. If I might say very briefly on that, I think the question is this: This committee, Mr. Welch, under the Legislative Reorganization Act, has a mandate. We are in business to investigate instances of dereliction of duty, of laxity, of failure to act, on the part of Government agencies. Now, if the FBI has been warning a Government agency about the presence of a Communist or a cell of Communists, or a spy, or a cell of spies, in the agency, and we learn that those FBI warnings have been ignored by people in that, the heads of that Government agency, that is an example of laxity on the part of the executive which we are not only privileged but which it is our sworn duty to investigate.

Mr. WELCH. Mr. Cohn, I have to be in complete agreement with that, sir. I think when this committee finds a situation where, by some curious accident, we have a governmental agency riddled with Communists and nothing gets done about it, and this committee knows it, they ought to move in. You don't think I disagree with that, do you? You don't think I—

Mr. COHN. No, sir.

Senator MUNDT. Counsel's time has expired. You may answer the question.

Mr. COHN. I don't think you disagree with it, Mr. Welch.

Mr. WELCH. I think you have answered it when you say, "No, sir."

Mr. COHN. This is a big problem. It is probably the only problem

I know anything about in this world. I do know a little about it. It is a very complicated problem and it is just not that simple.

Mr. WELCH. Mr. Cohn, I think you and I are going to have to have an agreement that you won't make a speech at the end of the 10-minute period.

Mr. COHN. Yes, sir, I will be glad to.

Mr. JENKINS. I will pass, Mr. Chairman.

Senator MUNDT. In the interest of giving Mr. Welch as much time as possible, the Chair will pass.

Senator McCLELLAN?

Senator McCLELLAN. All right, Mr. Cohn. I think we are down to No. 46 in the document. I read it:

The pattern followed by Secretary Stevens and Mr. Adams is clear. As long as only individual Communists were the object of the subcommittee's investigation, they made continuing offers of cooperation with the investigation. But as soon as the probe turned to the infinitely more important question of who was responsible for protecting Communist infiltration, and protecting Communists who had infiltrated, every conceivable obstacle was placed in the path of the subcommittee's search for the truth.

Is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Who placed that obstacle in the path?

Mr. COHN. Apparently a lot of people, sir.

Senator McCLELLAN. Name some of them.

Mr. COHN. I think Mr. Adams is certainly one of those who I can give you as an outstanding example.

Senator McCLELLAN. Can't you give me Mr. Stevens' name, too?

Mr. COHN. Yes. I can say to you that Mr. Stevens did not want us to go into this, sir.

Senator McCLELLAN. Beg your pardon?

Mr. COHN. Yes, sir, I can tell you that Mr. Stevens did not want to go into this.

Senator McCLELLAN. Well, you charge there that they placed every conceivable obstacle in the path of the subcommittee's search for truth.

Senator McCARTHY. A point of order, Mr. Chairman?

Senator MUNDT. The Senator will state it.

Senator McCARTHY. I didn't want to raise this after Mr. Symington left. Will the photographers——

Senator McCLELLAN. This is not taken out of my time? It is something extraneous to my question?

Senator McCARTHY. It is a point of order.

Senator MUNDT. The Senator will state the point of order. It will not be taken out of the Senator's time.

Senator McCARTHY. I would like to state the point, in view of yesterday, for example, we found new faces in sworn testimony responsible for placing obstacles in our path. It is impossible for this young man to name all the new faces. He just can't do it. There are new ones cropping up every day.

Senator MUNDT. Senator McClellan assures the Chair that he is not asking that new names be introduced into this controversy.

Mr. COHN. I will stand on Mr. Stevens and Mr. Adams for this limited purpose.

Senator McCLELLAN. I am not objecting to new names, if you have any, but I am simply trying to have you swear to the charges you have made. There is no objection to that: is there?

Mr. COHN. There is no objection, sir. But I am sure you want matters within my own personal knowledge.

Senator McCLELLAN. That is right. That is what I am asking you for. I will ask you specifically, Does this charge 46 apply both to Mr. Adams and to Secretary Stevens?

Mr. COHN. Yes, sir.

Senator McCLELLAN. All right.

Now, I think I have read all of the substantial charges in here, save those made against Mr. Hensel and possibly others, that I thought possibly were within your personal knowledge. I have not asked you about any statements in here that apparently were not within your personal knowledge. I want to ask you now, Mr. Cohn, whether you now agree with me that these charges are serious.

Mr. COHN. Yes, sir.

Senator McCLELLAN. They are serious, and you made them in good faith, because you thought they were very serious: did you not?

Mr. COHN. We stated the facts, sir, as we knew them to be true.

Senator McCLELLAN. Well, if you state a fact, and say a man is coddling Communists, that is a charge against him; isn't it? Don't you so interpret it as a lawyer?

Mr. COHN. It certainly could be interpreted as such; yes. I have been trying to make very clear here, Senator McClellan, and the record is made clear not only by me but a lot of other things that happened, we did not start this.

Senator McCLELLAN. I understand. That is a little peculiar, too, and I want to ask you a question. Are you saying now that had not the Army issued this statement, that you would have never revealed to the country that we did have a Secretary of the Army and a chief counsel that was coddling Communists, would we never have known about it, except that the Army issued this document?

Mr. COHN. You would have known about it, sir.

Senator McCLELLAN. When?

Mr. COHN. I think when the testimony on the Peress case came in and we found out who promoted him and who——

Senator McCLELLAN. But you would have never made a charge?

Mr. COHN. I think we would have done it under the normal rules of this committee, sir.

Senator McCLELLAN. How long would you go along here? You started out in October making memoranda of these things. Didn't you think it was important, if these facts were true, to expose it immediately so that we could get at the top?

Mr. COHN. Sir, at the beginning, Senator McClellan, you had a situation where Mr. Stevens and Mr. Adams didn't want us to investigate their Department. They wanted us to go elsewhere. That, I must say frankly, was not an unusual experience, insofar as this or any other investigation. The people who were being investigated would be much happier if you would go some place else and leave them alone. I did not feel that there was any need of making any formal charges. We could take care of ourselves. When we thought something should be investigated, we did it.

Senator McCLELLAN. Well, the formal charges or informal, didn't you think it was important to the security of this country, to expose Mr. Adams and expose Secretary Stevens if these charges against them were true?

Mr. COHN. No, I didn't think it was important to the security of the Nation in October to expose Mr. Stevens and Mr. Adams, sir. I thought it was important to the security of this Nation that this committee should continue its sworn obligation to investigate everything that should be investigated, and if people who were being investigated didn't want us to do it, or thought we should go elsewhere, it was their privilege to try, as a lot of others in the past have.

Senator McCLELLAN. Yes, but you said they were trying by means that indicated that they were attempting blackmail—not indicating, but you charged by means of blackmail and by holding a private in the Army as a hostage.

Mr. COHN. When that blackmail business came about and when Mr. Adams went to see Senator McCarthy that night, I stopped talking to Mr. Adams. You are correct in that.

Senator McCLELLAN. All right. Then you did have the knowledge, according to your charges and your sworn testimony, that Mr. Stevens, Secretary Stevens, and Mr. Adams had gone to that extreme to try to prevent the investigation of Communists; to use your case, to try to prevent you from finding out who was responsible for the Peress case. They were going to that extreme?

Mr. COHN. Yes, sir.*

Senator McCLELLAN. Isn't that true?

Mr. COHN. That is true.

Senator McCLELLAN. Don't you think it important that if we have such a man at the head of the Army of this country, that it be exposed immediately so that appropriate action might be taken to remove him?

Mr. COHN. Senator McClellan, we did go ahead immediately. As soon as the facts in the Peress case and the conduct became known, Senator McCarthy wrote an open public letter setting forth those of the facts he knew, and charging, stating that there had certainly been mishandling and misconduct. He made that letter public I think 2 days after Peress appeared before our committee in executive session.

From that time on, Senator McCarthy took a considerable number of steps to bring these matters, under the rules of this committee, to the attention of the public in the form of a regular subcommittee investigation.

Senator McCLELLAN. Yes, but as I understood you, these charges would never have been made had not this document been issued. Is that true?

Mr. COHN. Sir, maybe I spoke too quickly on that. You are certainly right that the Peress matter and the role of certain people in the Army in trying to cover up those who had been responsible for the promotion and honorable discharge of Communists—those things would have come out even if it were not for these charges, yes, sir.

Senator McCLELLAN. You spoke of something else a while ago in answer to Attorney Welch about what these hearings had pointed up.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Don't you agree with me that if your testimony is true, you have pointed out to the country that we have at the head

of the United States Army, as Secretary of the Army, a man who is coddling Communists and who is trying to protect those who protect Communists?

Mr. COHN. I would answer that in this way, sir: As far as coddling Communists is concerned, I have never heard Mr. Stevens say anything to me which would lead me to believe that he has—

Senator McCLELLAN. Let's use the other term, then—protecting those who are protecting Communists. You certainly used that.

Mr. COHN. I wanted to say this, sir: I never heard Mr. Stevens say anything to me which led me to conclude that he liked Communists any better than I do or that he wanted to protect Communists in any way. I don't believe for a moment that he wanted to do that.

Senator McCLELLAN. But haven't you charged that he did that?

Mr. COHN. I don't believe—I think we say this, sir: That on the question of uncovering individual Communists and getting them out of the Army, we were sure that Mr. Stevens was just as anxious to do that as we were.

On the second question you raise, Senator McClellan, insofar as protecting the people who did cover up these Communists, we have had differences of opinion with Mr. Stevens and we have felt that people have been trying to get him, to enlist his aid in withholding information from this committee which would uncover people who had been coddling these Communists, and we have felt that he has been mistaken in that, yes, sir.

Senator McCLELLAN. Mr. Cohn, you are softening these charges considerably.

Mr. COHN. I don't think I am.

Senator McCLELLAN. These charges have a very striking import to me. They are either true or false. I assure you I have no interest in this thing except to try to get the truth of them. If they are true, I don't think the sun should go down before action should be taken.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Do you agree with me?

Mr. COHN. Yes.

I want to say this: I certainly don't want to soften or harden any charges. I want to give you the truth and what was said to me, and I want to give you the facts.

Senator McCLELLAN. I have taken your statements, I have asked you the direct question upon every charge you have made against Mr. Stevens, and you have answered in the affirmative.

Mr. COHN. Yes, I have.

Senator McCLELLAN. So we may take the language of your charges as your testimony now as against Mr. Stevens and against Mr. Adams as being true?

Mr. COHN. Yes. I would want to stand on the testimony I have given here, particularly. I will be glad to reaffirm the answers I have given to you, Senator McClellan.

Senator McCLELLAN. You have given answers. When I asked you if that statement was true, you said it was.

Mr. COHN. Yes, sir.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Mr. Chairman, I have only one observation. I would rather address this to Mr. Welch than to the witness.

Senator MUNDT. You may do so. It is your 10 minutes.

Senator DIRKSEN. Only to round out a little, I think, the line of questioning that Mr. Welch was pursuing.

I rather subscribe to the general thesis that if you have wholesale revelations in the executive branch of confidential material, you could develop, I suppose, a kind of anarchy and a lack of devotion and fealty to the job and the administration in government. But a practical consideration comes into the picture, and we had evidences of it in connection with the Senate Finance Committee. I think nearly everyone knows that Senator Williams, of Delaware, has, over a period of time, been vigorously pursuing income-tax evaders and, in addition, those people in government who made evasion or avoidance possible, and in some cases were guilty of criminal connivance.

The Senate Finance Committee took cognizance of it. They passed a rule which isn't exactly in my mind at the moment, but at least it put a limitation on the disclosures that could be made.

Senator Williams, however, as I recall, went right ahead with his disclosures on the Senate floor from time to time, and all of those disclosures were based upon confidential information that was disclosed to him by someone in the Internal Revenue Service who is on the rolls of the Government.

The very practical problem that arises is this: If the disclosure had never been made, obviously neither the evasive taxpayers nor the recreant governmental servant who made it possible could have been brought to justice. So the question is as a practical matter always, No. 1, where do you draw the line and, secondly, where is the limit beyond which an investigatory body in the Congress cannot go when it summons people from the executive branch to come and give testimony?

I must confess that the problem offers some difficulty, but I do believe that in connection with your line of questioning, the practical aspect of it must be revealed also, for otherwise graft and corruption in these cases certainly would not have come to the light of day.

That is all, Mr. Chairman.

Senator MUNDT. Senator JACKSON.

Senator JACKSON. Mr. Cohn, I don't have too many more questions. I will soon be through and give way to Mr. Welch.

I just wanted to follow up on one point. You stated in answer to a question by Senator McClellan that other departments besides the Department of the Army have attempted to stop investigations. I believe that was your response.

Mr. COHN. Yes, sir.

Senator JACKSON. You have also stated in response to a question that I put previously that you don't write memos. Why were the memos written in connection with the Army case? There was a series of memos.

Mr. COHN. Sir, I said I don't write many. I certainly know if you go through the files you will find what you might consider a considerable number of memos written by me. You will not find memos on each and every conversation I have had with everybody about everything. I did not write a memo on each and every conversation I had with Mr. Stevens and Mr. Adams or other people over there. I think I have already testified as to the circumstances of the writing of these.

Senator JACKSON. I understand that, but the memos were quite complete on the Army, commencing about the time when——

Mr. COHN. No, sir.

Senator JACKSON. When things were getting a little hot.

Mr. COHN. No, sir; I don't think they were.

Senator JACKSON. There was quite a long series of them.

Mr. COHN. No, sir. I think a lot of very significant events were not recorded in the form of memorandums.

Senator JACKSON. One thing that I think should be clarified. On the Meet the Press program, May Craig asked you about the memorandum and you replied, on page 11—I think that was March 10——

Mr. COHN. I think it was.

Senator JACKSON. Or the 14th. There was only one.

March 14, 6 p. m.

Mr. COHN. Yes, sir.

Senator MCCARTHY. Do you have a copy of that?

Senator JACKSON. I have it right here. I need it. I will give it to you in a minute.

Senator MCCARTHY. You don't have an extra copy?

Senator JACKSON. No; I don't.

Mr. COHN. Senator, our pages are not the same.

Senator JACKSON. May Craig asked you:

Mr. Cohn, I take it you stand by all the ideas of the memorandum put out by Mr. McCarthy.

Then:

Mr. COHN. One or two I believe only were dictated by me. Others were from Senator McCarthy to Frank Carr or vice versa.

Actually there are four that you have dictated; isn't that correct?

Mr. COHN. Yes, sir.

Whatever I said here. I would have to count them up again. Whatever I said here. Somebody asked me about them and I went through and counted them one by one. I think it came to 3 or 4. Whatever I said is accurate, sir.

Senator JACKSON. Well, two of the memoranda that were released to the press said from you to somebody?

Mr. COHN. Well, they were certainly prepared by me.

Senator JACKSON. Then, 2 of them without any designation, or more than 2, maybe, but you state now that 2 of those that did not have any tag on them, were dictated by you?

Mr. COHN. Yes, sir. I know the November 6 one, for instance, was.

Senator JACKSON. There is one other area and then I will be through, in connection with the testimony of Lieutenant Blount.

Mr. COHN. Yes, sir?

Senator JACKSON. As I understand it, you state that you did not request that Private Schine be taken off K. P. on the weekend of January 10?

Mr. COHN. No, sir; you don't understand that.

Senator JACKSON. Pardon me?

Mr. COHN. No, sir; I don't believe that is quite accurate.

Senator JACKSON. Well, what is your version of it? I will read the record.

Mr. COHN. I don't believe it is my version, sir. I believe it is a fact. The fact is that as far as we were concerned, and as far as I

was concerned, Private Schine could go on K. P. all night long or anything like that. We didn't care. We had an arrangement made with Mr. Stevens that he would be available over weekends to work on these reports and do this committee work, and that nothing—

Senator JACKSON. For committee business?

Mr. COHN. Yes, sir. And that nothing would interfere with that. I think that in all the time he was down there, there were one or two, or I think probably this was the only one—one occasion on which he was given some duty on a Sunday when he was going to work with us on these reports. I believe that, as I have testified to here before, sir, I called Lieutenant Blount and asked if they couldn't let him do that same thing on Monday, or Tuesday, or Wednesday or Thursday or Friday, some other time, and let him be available during the times that Mr. Stevens had fixed to do this work.

Senator JACKSON. But you told them you wanted him for committee business that weekend?

Mr. COHN. Lieutenant Blount knew, Senator Jackson, that the arrangement was about committee business and the only reason we ever wanted him was on committee business. There was never any doubt about that.

Senator JACKSON. Let me read to you the colloquy that took place between Senator McCarthy and Lieutenant Blount. That is on page 3523 of the transcript:

Senator McCARTHY—

this is a colloquy with Lieutenant Blount.

Didn't he tell you that he made arrangements for Dave Schine to come back—he understood he was coming back that weekend, that he was coming back for the purpose of putting in writing some of the information he had in regard to the radar laboratories at Fort Monmouth, that he needed him for that, and that if you wanted to put Schine on K. P. duty, put him on some other day if you could, because he felt he needed him that day? Wasn't that the conversation?

Lieutenant BLOUNT. No, sir. Mr. Cohn on that particular day never mentioned committee work. He did say that what we wanted to do with Private Schine for Monday to Friday would be O. K. as far as he was concerned, but he didn't see why Private Schine had to pull K. P. on Sunday.

Lieutenant Blount's testimony, as I read it from that record, is directly contradictory.

Mr. COHN. No, sir; I don't believe it is contradictory at all. I had talked to Lieutenant Blount on a number of occasions. He knew that the arrangement had been made by Secretary Stevens to make Schine available to work on these reports and other committee work. He knew that that was the only reason for which I or any other member of the staff would have the authority to contact him. I don't think I started off every conversation by saying:

I refer you to the arrangement of November 6, the terms of which are as follows:

He knew, sir, why I was calling, and it is perfectly possible I didn't go into a speech about it on every occasion. The only reason I ever called—

Senator JACKSON. I understand your testimony to be that you asked to get him for committee business?

Mr. COHN. There is no doubt about it. Lieutenant Blount must have known about it.

Senator JACKSON. Was it implied or did you ask him?

Mr. COHN. I don't know what I said on that. I do know that Lieutenant Blount as General Ryan's aide wouldn't have had—

Senator JACKSON. Wasn't this a pretty heated conversation between you and Lieutenant Blount?

Mr. COHN. No, sir.

Senator JACKSON. It wasn't?

Mr. COHN. I wouldn't say it was heated.

Senator JACKSON. General Ryan, you will recall, testified, and you will find it on page 3452, he said that Lieutenant Blount told him of the conversation, you will recall, that he had with you within a couple of days, and that Blount told him that you were extremely excited, upset, and very caustic in your remarks. That is General Ryan's testimony.

Mr. COHN. That is General Ryan saying what somebody told him I had said.

Senator JACKSON. But Lieutenant Blount reported immediately thereafter?

Mr. COHN. I might have been excited and said, "We have made preparations for him to do the work. Why is the arrangement being gone back on? Why can't he do something else? Why can't he do it during the period that Mr. Stevens has set aside for this work?" I might have been excited.

Senator JACKSON. Following the KP incident, Lieutenant Blount, on page 3509, that was followup on your conversation on the KP situation, said:

Pursuant to that—Mr. Cohn didn't agree with me, by the way. Pursuant to that he said that some people at Fort Dix had been very cooperative but that Colonel Ringler and Lieutenant Miller—

and Lieutenant Miller is now Captain Miller, the company commander—

had made things especially difficult for Private Schine, and that he, Mr. Cohn, had a very long memory, and was never going to forget their names.

Now, what about that testimony of Lieutenant Blount?

Mr. COHN. The answer is the same I gave you the last time you asked me about it, Senator Jackson.

Senator JACKSON. I hadn't asked you about it.

Mr. COHN. I thought you did, sir.

Senator JACKSON. I am referring now to the latter part of the testimony that you are not going to forget their names.

Mr. COHN. Yes, sir. I certainly had a conversation with Lieutenant Blount. I do know this Ringler incident which has been brought in here, I am sorry it has, I don't know whether Colonel Ringler said those things or whether he didn't say those things, and I did mention it, I recall at some point or other, to Lieutenant Blount. This might well have been the point. I have no dispute with that, sir. I think you are asking—

Senator JACKSON. I am asking you specifically. Lieutenant Blount stated that you had been making—that Colonel Ringler, the regimental commander, and let's call him Captain Miller, who was the company commander, had made things especially difficult for Private Schine and because of that you were not going to forget their names. Is that true or is that false?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Have you a point of order?

Senator McCARTHY. I don't like to interrupt here unless necessary, but I thought we had passed a rule, and all the Senators knew it, that it is improper to ask one witness to evaluate another witness' testimony. I think you can ask Mr. Cohn what he did, what he said, about any of his actions. But I don't think you can ask him to evaluate it.

Senator MUNDT. I think the question was, Did he make the statement or not.

Senator JACKSON. I think it is a very fair question, and it is pretty important because quite a point was made.

Senator McCARTHY. Could I have the question reread?

Senator MUNDT. The Senator's time has expired. The question will be reread and the witness may answer.

Mr. COHN. I thought there was a true and false at the end of it.

Senator McCARTHY. If the witness recalls the question—

Mr. COHN. I recall the question.

Senator MUNDT. To save time, Senator Jackson, do you want to restate the question?

Senator JACKSON. I will finish it when we go around again.

Senator MUNDT. You may restate it.

Senator JACKSON. It is very simple, Mr. Cohn: Lieutenant Blount testified that you were not going to forget Colonel Ringler and Captain Miller because—you were not going to forget their names—because, to quote him, they had made things especially difficult for Private Schine. I believe that is the substance of the testimony.

Mr. COHN. That is the substance; yes, sir. And the substance of what I tell you is that the conversation did take place, I did talk to him, I know that undoubtedly on this occasion, if he says that it was, he told me that Colonel Ringler had been making difficulty about it, and I told him that, I reported to him the remarks I had heard attributed to Colonel Ringler. Whether I said I had—

Senator JACKSON. How would that apply to Captain Miller?

Mr. COHN. I don't recall saying anything like that in connection with Captain Miller. I never heard anything. I never met or saw Captain Miller in my life. Colonel Ringler I do remember. Saying I had a long memory and couldn't forget the names, I don't know whether I said that or not. I do know, sir, that I just did put the Ringler name through the mill on a routine name check sometime thereafter.

Senator JACKSON. Were you going to investigate him?

Mr. COHN. No, sir; we didn't investigate him. Whenever we have information about somebody or something along those lines, what you do is just what is known as a quick name check. If there is nothing to it, it shows up in the form of negative. If there is something to it, it shows up in the form of positive, and you go on from there.

Senator JACKSON. You don't mean to tell me you are going to investigate the regimental commander and start an investigation of him because he said some unkind words about Private Schine?

Mr. COHN. Oh, no, sir.

Senator JACKSON. It would be a sorry situation in America if people can't speak out for fear of an investigation if they speak their mind.

Mr. COHN. I fully agree with you. He could say anything he

wanted to about Private Schine. There were not any comments about Private Schine that interested me at all.

Senator MUNDT. Senator Potter?

Senator POTTER. Mr. Chairman—

Senator McCARTHY. Before Senator Potter starts, I wonder, Mr. Cohn, if you would make clear what conversation it was. I didn't get it at all.

Senator MUNDT. That wouldn't be a point of order. The witness had that right and didn't take it. You may ask him that question on your time, Senator McCarthy.

Senator Potter?

Senator POTTER. Mr. Chairman, in answer to the statement made by my good friend and colleague, the junior Senator from Washington, on the first go-around about the witnesses to be called, I think Senator Jackson said that when a person's name has been mentioned before the public, before the television cameras, that person should have a right to appear before the committee.

I thoroughly agree that a person would have a right, under our standing committee rule, to appear when his name has been mentioned in a derogatory manner. I think that possibly we overlook one factor in considering what witnesses should or should not be called. I think if a witness can throw any new light on the controversy in question, the committee should ascertain what information he has; but just to call witnesses for the sake of calling witnesses because their names have been dropped at this hearing, I am fearful that we could be here for many, many months.

I just happen to recall a few names that have been mentioned during the course of this hearing. I know that I have only a few of the many.

I would like to mention them at this time. Of course, there is President Eisenhower, David Schine's chauffeur, General Reber's brother, Aaron Coleman, a man by the name of East, also referred to as "Mr. X," Clark Clifford, Vice President Nixon, Gerry Morgan, Bill Rogers, General Lawton, Harriett Moore, the Rosenbergs—I assume it would be a little difficult for them—Bill Remington, Sherman Adams, Lew Berry, Harold Rainville, Bob Jones, Private Schine's girl friends, the policeman who wouldn't let Cohn go to the railroad station, Don Surine, the colonel who told Secretary of the Army Stevens to shut up, Colonel Ringler, Joseph Alsop, Jack Bell, our charming newslady, May Craig.

Then we have the 11 top-string Commies, and we have the second top-string Commies. We have George Sokolsky. We have Peter Lawford. Patricia Kennedy, Al McCarthy, Mrs. Joe McCarthy. We have Private Schine's father and mother. We have Judge Cohn.

Those are just a few of the names that have been mentioned before the committee. I am just wondering when we would ever conclude because, as one witness comes on, we find that about four more names are dropped, and it would be not only a treadmill, but we wouldn't be keeping up with the tread.

I just mention that because I think witnesses should be called who can throw new light on the controversy, and that is all.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I pass.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. One question, Mr. Chairman.

Mr. Cohn, in the statement which you and Senator McCarthy submitted, dated April 20, 1954, about the middle of page 17 you made this comment, and I quote:

For example, when a Congressman intervened to have the overseas orders of Maj. Irving Peress, a Communist Party functionary, canceled, no report was issued.

Mr. COHN. Yes, sir.

Senator DWORSHAK. And on the following page you made a similar charge that the overseas orders of Major Peress were canceled after intervention of a Congressman.

Are you prepared to testify as to the specific case?

Mr. COHN. I am, sir, but it will inject a new name.

Senator MUNDT. The Chair suggests that you do not bring in the names of any Congressmen. That would be violating the very fine advice we just got from Senator Potter.

Senator DWORSHAK. I would submit to that ruling, Mr. Chairman, and yet if we are trying to verify some of the charges and countercharges, it would seem to me that it would be a very relevant matter.

Senator MUNDT. May the Chair say to his good friend—I think this occurred before he became a member of the committee—that we sort of agreed among ourselves that two things we were not going to go into were the rights and the wrongs of the Zwicker case or the ascertainment of who it was who actually did promote and give preferential treatment to Major Peress. Those are matters which we might resume some day when we reassemble on that happy occasion when the present incumbent of the Chair is no longer chairman.

Senator DWORSHAK. Mr. Chairman, I will abide by that ruling, but I want to state very emphatically that I cannot believe this countercharge that any Member of Congress could intervene in behalf of an officer or an enlisted man in the Army, or in any branch of the armed services, and succeed in preventing his assignment overseas. I cannot believe that that is possible under the operations of the armed services.

I think the American people have a right to know whether such preferential treatment is accorded to any member of the armed services merely by the intercession of some Member of Congress.

Senator McCARTHY. Will the Senator yield?

Senator MUNDT. There is no occasion to yield. You have the next 10 minutes. You have 10 minutes.

Senator McCARTHY. I would like to say to the Senator from Idaho that the record shows that this fifth amendment Communist had orders to go to Yokohama, and when he got to the port of embarkation his orders were changed and he was given stateside duty. The record shows that a Congressman did intervene—

Senator MUNDT. The Chair will say to you, please, do not mention the name of the Congressman.

Senator McCARTHY. I will not.

Senator MUNDT. Thank you.

Senator McCARTHY. In fairness to the Congressman, it is impossible to know how much influence that Congressman had because the Communist major refused to tell us whether it was the Congressman or some Communist who succeeded in getting his orders changed.

Mr. Cohn, we were talking about Mr. Ringler, and I am afraid it was left up in the air. Is it correct that you reported to me that you

heard that Ringler was condemning our exposure of the Communists, referring to them as witch-hunts, and I told you at that time that we couldn't broaden our investigation too much, that we were too busy, but to get a quick name check on him, which you did?

Mr. COHN. Yes, sir. It was not just our committee. I believe the comments allegedly made, or they might not have been made at all, sir—he might have been the finest man who ever lived—were directed toward the activities of exposing and investigating Communists.

Senator McCARTHY. In any event, the name check had nothing whatsoever to do with Dave Schine?

Mr. COHN. It had nothing whatsoever to do with Dave Schine.

Senator McCARTHY. Mr. Welch asked you a question. He said if by some mysterious magic you find that a department is ridden with Communists, do you feel it is the duty of the committee to expose that fact, and you said, "Yes." Let me ask you this, first: It isn't a question of the number of Communists. One Klaus Fuchs in a proper spot can decree the death of hundreds of thousands or millions of Americans; is that correct?

Mr. COHN. There is no doubt about it, sir. One Communist in the right place could do the work of 10, 50, or 100,000 not in that place. There is no doubt about it.

Senator McCARTHY. I think you and I would agree that it is rather the addle-thinking who feel that only when a department is ridden with Communists that we have a duty to go in. If we find 1 single traitor, 1 single Communist, we have the duty to expose him.

Mr. COHN. There is no doubt about that, sir. The way the Communist movement operates, very often they will place only one Communist in a certain spot. There is no need for further duplication to get the same type of information.

Senator McCARTHY. Another question along Mr. Welch's line of questioning. He said if by some mysterious magic—there is nothing mysterious or magic about the way the Communists operate, the way they try to infiltrate; is there?

Mr. COHN. No, sir; there is nothing magic about it. It is due to a deliberate, well-planned, well-thought-out design which goes back many scores of years, which they have been following, unfortunately, with remarkable success in many countries throughout the world.

Senator McCARTHY. And sometimes they will take 5, 10, 15, 20 years to work a man up to a position where he can perform a service for the Communist conspiracy?

Mr. COHN. It has happened in our Government, sir; yes, sir.

Senator McCARTHY. That is all for the time being.

Senator MUNDT. Mr. Welch, you have 10 minutes, or Mr. St. Clair.

Mr. WELCH. Mr. Cohn, when you were under examination by Senator McClellan, the name Peress came up one more time.

Mr. COHN. Yes, sir.

Mr. WELCH. You understand, of course, that Mr. Jenkins has said we can't try that case here.

Mr. COHN. Yes, sir.

Mr. WELCH. I have the temerity to say 1 or 2 things about it, or ask you 1 or 2 things about it, for this reason: I suspect, Mr. Cohn, that there may be people listening on television who think that Peress was right square in the middle of some radar laboratory

at Fort Monmouth, about which we have talked so much. Can you see how someone might get that impression, Mr. Cohn?

Mr. COHN. Well, it depends how much that person has read about the Peress case.

Mr. WELCH. Or how carefully they have listened to us.

Mr. COHN. Yes, sir.

Mr. WELCH. Now, that isn't where Peress was?

Mr. COHN. No. He was in the Dental Corps, sir.

Mr. WELCH. I understand. And he wasn't anywhere near this delicate installation at Fort Monmouth?

Mr. COHN. Actually, he was near it, sir.

Mr. WELCH. Well, I mean he wasn't physically——

Mr. COHN. I can say this, sir. I know of no tieup between Major Peress and the Fort Monmouth situation.

Mr. WELCH. And he had no unusual clearances to let him know high secret stuff?

Mr. COHN. Well, there was no question about clearances. I would say this, Mr. Welch. You are certainly right——

Mr. WELCH. If I am right, let's move along. I don't want to spend much time on it. I just want to get it clear before the country that he was not sitting right square in the middle of Fort Monmouth.

Mr. COHN. You are correct.

Mr. WELCH. And you will help me make that, as the Senator says, "crystal clear"?

Mr. COHN. I will, sir.

Mr. WELCH. And secondly he was a dentist, wasn't he?

Mr. COHN. Yes, sir.

Mr. WELCH. And he was a dentist at a point of embarkation where troops came in and moved overseas?

Mr. COHN. No, sir. Actually, he was stationed at Camp Kilmer, N. J.

Mr. WELCH. Well, I understand, and I may be misinformed, that that was a staging camp for overseas troops. Well, I may be wrong.

Mr. COHN. You may be right.

Mr. WELCH. Well, he was, as I have said, a dentist?

Mr. COHN. Yes, he was. I don't minimize the importance of the Peress case, sir.

Mr. WELCH. I don't intend to, sir, myself. Don't misunderstand me, either. I don't like a Communist, even if he is in a dentist chair. Don't misunderstand me. But I do want to get the guy in perspective. Could I say one more faintly humorous thing about him, if it is possible to say a faintly humorous thing about a Communist, in wherever there is a Communist, the fear about them is that they may indoctrinate other soldiers or other people, that is right, isn't it?

Mr. COHN. That is one of the dangers.

Mr. WELCH. Now, whatever you say about indoctrinating other people, it wouldn't be too happy a way to try to drill it into people with a dentist's drill and an aching bicuspid, would it?

Mr. COHN. It might be an effective way, sir.

Mr. WELCH. Well, you don't have the guy's attention very well, if his tooth hurts. Isn't that right, Mr. Cohn? Let's pass it fast.

Mr. COHN. Well, Mr. Welch, it is hard to pass it fast. You have this situation. You have a man with an open record as a Communist——

Mr. WELCH. We understand that Peress is a no good Communist.

Senator MUNDT. Mr. Welch, the Chair believes that when you ask the witness a question, you should give him a chance to answer it.

Mr. COHN. I will be short.

Mr. WELCH. All right, let's be short, because I want to get through with Peress as far as this case is concerned.

Mr. COHN. Here is the importance of the Peress case——

Mr. WELCH. I didn't ask you about the importance of the Peress case.

Mr. COHN. Well, you have asked me a question and I am keeping it short.

Mr. WELCH. I want to run this as best I can. If you want me to ask a question over again, I will. This is what I am saying to you, that if you want to catch a young soldier and make a Communist out of him, one pass at him in a dentist's chair isn't much of a pass, is it? Isn't that right?

Mr. COHN. Sir——

Mr. WELCH. Well, the answer is obvious, isn't it?

Senator MUNDT. Mr. Welch, I am awfully sorry, but you asked the witness a question, and he started to answer and you won't give him a chance.

Mr. WELCH. He scares me because of the way he takes the deep breath. I only want yes or no. One pass at him in the dentist's chair isn't very dangerous, is it, Mr. Cohn?

Mr. COHN. Well, sir, you have asked me a number of questions which I haven't answered. If I can say a few sentences I can probably give you——

Mr. WELCH. Let's just take one sentence.

Senator McCARTHY. Let him answer.

Mr. WELCH. No. He wants to make a speech.

Senator MUNDT. Mr. Welch, No. 1, we should not be talking about the Peress case at all. The Chair has given you an opportunity to do so. In simple justice, when you ask the witness 4 or 5 questions about it, and interrupt him every time, it isn't quite the way to treat a witness in a senatorial hearing. If you want to ask him the question, which I don't think you should ask, and I am not stopping you, really, you should give him a chance to answer it.

Mr. WELCH. Could I have the question read, the last question?

Senator DWORSHAK. Mr. Chairman, the Chair ruled that I could not discuss anything relative to the case of Major Peress and now you permit others to discuss it. What is the distinction?

Senator MUNDT. The distinction is this: I think Mr. Welch was within his rights to try to point out that Major Peress was not at Fort Monmouth.

Mr. WELCH. Mr. Chairman——

Senator MUNDT. Just a moment.

Now you are interrupting the Chair. That you can't do, I know, successfully.

Mr. WELCH. I was going to do something wonderfully——

Senator MUNDT. We will give the witness a chance to answer the question.

Read the question.

Mr. WELCH. I will be equally glad to waive it or move forward, if you wish.

Mr. COHN. I don't have to have the question read.

Mr. WELCH. Let's find the question, Mr. Cohn.

Senator MUNDT. We will not take it out of your time. I want you to be as happy as possible.

Senator McCARTHY. I think there is a series of questions. I think the witness remembers them.

Mr. COHN. I do, sir.

Senator MUNDT. Mr. Welch, do you prefer to have them read?

Mr. COHN. There were a few before the last, and I couldn't get much in on it.

Mr. WELCH. Maybe I didn't want you to get too much in, but I just want a straight "Yes" or "No" answer.

Senator MUNDT. The reporter will please read the question and then the witness may answer it.

(Whereupon, the question referred to was read by the reporter.)

Mr. WELCH. Can't you answer that quite simply, Mr. Cohn?

Senator MUNDT. Give him a chance, Mr. Welch.

Mr. WELCH. I say, can't he answer it quite simply?

Senator MUNDT. We will never find out unless you give him a chance to try.

Go ahead, Mr. Cohn.

Mr. COHN. Sir, on your question about recruiting young soldiers and the way in which it should be done, I can only say this to you: Major Peress was a man with an open Communist record. In spite of that open Communist record, which should have been well known to any alert, intelligent people in the Army, he was commissioned a captain, which gave him a rank as a commissioned officer.

After that he claimed the fifth amendment to the Army. In spite of that, they promoted him to be a major, and they gave him other preferential treatment. Being a major and a commissioned officer and in contact, as an officer of some rank, with soldiers working under him, I would say, sir, that you there had a situation which was susceptible to the recruitment of people serving there who did not have his rank and who were soldiers, into the party.

I do know when we asked him those very questions he invoked the fifth amendment and refused to tell us whether he was using his rank in the Army and his cloak to recruit soldiers into the Communist movement.

We think, sir, finally, my last sentence on this: We think that the mechanism of how it is possible for a man to get a commission in the Army and then get a promotion, despite an open Communist record and despite the fact he claimed the fifth amendment, must lead this committee to inquire who in the Army, knowing that a man has a Communist record, would promote him to the rank of major.

We felt that was an extremely important and relevant thing to us, and that was the importance of the Peress case.

You are right, Mr. Welch, Peress did not work at Monmouth and, as far as I know, he had no connection with Fort Monmouth.

Senator MUNDT. The time will be resumed and Mr. Welch may continue.

Mr. WELCH. Thanks for the last few words.

Just one other question, Mr. Cohn.

Mr. COHN. Sure.

Mr. WELCH. If you were a lawyer in a courtroom and got the answer you just gave me in answer to the question I asked you, would you move to strike the answer as irresponsible?

Mr. COHN. I would have objected to the question, sir, and I would have objected to your failure to give the witness the right to answer.

Mr. WELCH. One other thing on the preliminaries, and this, I think, we have already touched on somewhat and can quickly agree on. One other constitutional issue that has been revealed here and illuminated is the question of what your committee or any similar committee has a right to do in respect to calling members of loyalty boards and reviewing their actions.

Mr. COHN. Yes, sir.

Mr. WELCH. You, Mr. Cohn, realize that you and I have a different opinion on that and a right to differ; don't we?

Mr. COHN. I do, sir.

Mr. WELCH. It is a very important question, sir; isn't it?

Mr. COHN. It is important, sir.

Mr. WELCH. Now, Mr. Cohn, I have a little section here in longhand of my cross-examination of you before we come to some other things, which has, I think, a very pleasant heading. It has the heading, "Let's Make the Country Feel a Little Better," and see if you can't help me.

I will begin with this: Have you sometimes in this room been a little dismayed, as I have, at the charges and countercharges that have been flung around here, or does it all sound all right to you?

Mr. COHN. I have been dismayed by the whole thing, sir.

Mr. WELCH. Thank you.

In that dismay or to allay that dismay which you and I share, and I think some of the country shares, would you help me say to the country, as I would like to have you help me, that our Government is really in the hands of patriotic men?

Mr. COHN. I am sure it is.

Mr. WELCH. And it is not, Mr. Cohn, in the hands of traitors; is it?

Mr. COHN. I am sure it is not, sir.

Mr. WELCH. Would you help me say to our country—and I think they would like to hear you and me join in saying it—that our fighting forces on land and in the air and on the sea are as wonderful today as they were in World War I?

Mr. COHN. Mr. Welch—

Mr. WELCH. Would you mind "Yes" or "No"?

Mr. COHN. Absolutely there is no doubt about it. We have made it crystal clear time and time again.

Mr. WELCH. And as wonderful as they were in World War II?

Mr. COHN. Yes, sir.

Mr. WELCH. And as wonderful as they were in the Korean conflict?

Mr. COHN. Absolutely.

Mr. WELCH. Would you join me in saying that our Armed Forces, the Army included, recognizes, although it is a somewhat frightening thing to say—we used to try to skirt it—that the principal and frightening enemy are the Communists?

Mr. COHN. Yes, sir.

Mr. WELCH. And that our first line of defense is our Armed Forces. That is clear, isn't it?

Mr. COHN. It certainly is one of the most important, sir.

Mr. WELCH. And, Mr. Cohn, in spite of all the dismay others may have felt in this room, or the dismay that the country may have felt at all the language that has taken place here, the country and particularly the mothers and fathers of the boys in the service, may rest easy, it is a beautiful Army, Navy, and Air Force, isn't it?

Mr. COHN. It certainly is, sir.

Mr. WELCH. And it is ready to fight Communists abroad, isn't it?

Mr. COHN. No doubt of it, sir.

Mr. WELCH. And ready to fight Communists at home?

Mr. COHN. Yes, sir.

Senator MUNDT. Your time has expired.

Mr. JENKINS. I will pass, Mr. Chairman.

Senator MUNDT. Mr. Welch, while we are working in this area of amity, which the Chair thinks is wonderful, I would like to have you join me, if you would, now, in reassuring the public about our executive session this morning, because one of the reporters passed up a note which leads the Chair to believe that something you said carried an implication which I am quite convinced you did not intend.

Is it not correct that at our executive session this morning there was no motion made and no attempt made to force you to preclude your questioning of Mr. Cohn or Mr. Carr or Senator McCarthy; that we were simply discussing the possibility of setting a target date that would enable you to interrogate, as fully as you feel you should, the three remaining witnesses that you said you wanted to hear, namely, Mr. Cohn and Mr. Carr and Senator McCarthy?

There was no attempt made, was there, to try to prevent you from doing that?

Mr. WELCH. Senator, I am awfully happy to have a chance to answer that. If I were to answer yes or no as I press witnesses to do, my answer would be that nobody was trying, as I viewed it, to do me out of the chance to have the other two witnesses on the stand that we want. May I, however, as witnesses sometimes do, add a sentence?

I was somewhat troubled on the point that everybody seems to think we better get in a hurry, and I was a little afraid that just by inadvertence, some way, we would drift along until we ran out of time. It is because of that fear on my part, that I have made this solid decision to move swiftly, so that we can at least have a look and let the country have a look, at the other two witnesses that I deem to be important.

Senator MUNDT. You have every assurance from the Chair, now publicly stated, that he stated to you privately in the executive session, that you will be given all the time that you want to interrogate the three witnesses that you said you wanted to interrogate, Mr. Cohn, who is before us, Senator McCarthy, and Mr. Carr, and the discussion that we had this morning revolved around the difficult problem, and all of the members of the committee confront it, and that is what to do about this long list that Senator Potter read which could be supplemented, I am sure, name for name by either side, twofold, to determine what additional witnesses we might ultimately decide to call.

I simply wanted the record to be straight on that, because I knew that the implication that was at least received by one of the reporters who sent me a note was not the implication you intended to convey.

Senator McCLELLAN. Mr. Chairman, it is not out of my time, but I want to make a remark about this. Do I understand that the tran-

script of the hearings in that session this morning are to be released as soon as they are transcribed, is that correct?

Senator MUNDT. The Chair has ordered that the transcript be delivered to his office, in stenographic form, stenotype form, as usual. A motion was made, and as the Chair recalls, not acted upon, to release its full contents to the press.

Senator McCLELLAN. I move that we release it to the press, then, now and then there will be no misunderstanding. The record speaks for itself. I do that because Mr. Welch used the term here "everybody seemed to be" so and so. There is quite a lot of discussion there that will clarify that, and not leave an implication that some of us were trying to end these hearings before we got through.

Senator SYMINGTON. I second that motion, Mr. Chairman.

Senator MUNDT. It is moved and seconded that the entire transcript of this morning's executive session be released to the press just as it was taken down by the reporter. The Chair would be happy to vote in favor of that, if the rest of the committee are. Are you ready for the vote? Those in favor say "aye"; contrary, "no."

I will ask the reporter to make as many copies as you usually need to make for the press, deliver them to my office, if you can, by 2 o'clock, and bring them here by 2 o'clock. I am sure they will make interesting reading.

Senator DWORSHAK. Mr. Chairman, that was not an executive session. I observed a large group of reporters asking members of the subcommittee as they left the committee room, and they were all, not all, but I saw several freely expressing themselves as to what happened. I did not do so, but I want the people to know generally that it was not an executive session.

Senator MUNDT. It certainly will not be after 2 o'clock this afternoon. The motion has prevailed.

Senator McCLELLAN. I understood, Mr. Chairman, that they were to be released.

Senator MUNDT. I did not understand a motion to be put.

Senator McCLELLAN. The motion was not put, but that was the general discussion.

Senator MUNDT. It will be released at 2 o'clock, just as the reporter hands it to me.

Senator McClellan?

Senator McCLELLAN. Mr. Cohn, I want to follow up just a little on this constitutional question.

Mr. COHN. Yes, sir.

Senator McCLELLAN. I think it is a very serious one, and the only purpose I have had in these proceedings was to point it up insofar as we could in the hope that it might be resolved, or it will be manifest that it needed to be resolved.

We have had before us in the testimony two documents with reference to the FBI, have we not? We have had testimony concerning them, we have not had the documents properly before us.

One of them is a 15-page document that has been referred to, and the other, I believe, we call it the two and a third or two and a half page document?

Mr. COHN. Yes, sir.

Senator McCLELLAN. It contained excerpts from the 15-page document?

Mr. COHN. Yes, sir.

Senator McCLELLAN. As I refer to the 15-page document and the two and a half or two and a third page document, you will know what I am talking about, will you not?

Mr. COHN. Yes, Senator McClellan.

Senator McCLELLAN. In this constitutional problem that we are discussing, I want to ask you to further clarify your views, I am not quarreling with them, I am simply trying to point this issue up, so that all involved here, and others who are interested, will understand just what is involved in it. The 15-page document, I believe we can assume from the proof in this case and from the reports that have been testified to from J. Edgar Hoover, is a top-classified confidential document that the FBI will not release?

Mr. COHN. It was marked confidential, sir.

Senator McCLELLAN. Yes, sir.

Well, you understand that that means it is not to be given out, don't you?

Mr. COHN. Yes, sir.

Senator McCLELLAN. That it is classified?

Mr. COHN. I understand that to mean that it is not to be given to an unauthorized person.

Senator McCLELLAN. All right. Then let's say now that you have testified here that under the law creating this committee it is the duty of this committee and the oath, the duty under the oath of members of this committee and the staff, to undertake to investigate and see whether the laws are being carried out with respect to this confidential information, is that correct?

Mr. COHN. Yes, sir. We have the duty of investigating laxity, or failure to act.

Senator McCLELLAN. All right. Let's assume, and it may be true, it may not be a violent assumption, that that 15-page document that is down there, of which excerpts are now in the possession of the chairman of the committee, is a committee document, as I understood you, and yet the members of this committee refused to read it.

Now let me ask you if your position is correct, and we have that duty under the law, why can we not subpoena the other document, the 15-page document now in the files of the FBI and have the benefit of all of the information so that this committee can perform its duties?

Mr. COHN. I believe we could subpoena it, sir, but I think that probably, if the Truman order is still interpreted as being in effect, there would be a refusal to give it on the ground that it contains loyalty and security information which, under the 1948 order cannot be given to congressional committees.

Senator McCLELLAN. Well, let's talk about the Eisenhower document a little. Can they give it under that?

Mr. COHN. Sir, I don't know that there has been a decisive test of just what—

Senator McCLELLAN. All right. What is your position, that we are entitled to get it by subpoena or that we are not?

Mr. COHN. My position, sir, is that we are entitled to ask for it. We would then move on from there.

Senator McCLELLAN. The next move is a subpoena if we don't get it by asking; isn't it?

Mr. COHN. Yes, sir.

Senator McCLELLAN. If be subpoena, are we entitled to it?

Mr. COHN. At that point, Senator McClellan, I would anticipate we would have to see what position would be taken by the recipient of the subpoena. He probably would have counsel advise him——

Senator McCLELLAN. All right, let's assume he takes a position, Mr. Hoover takes a position that you can't have this document under the law——

Mr. COHN. I don't think that would be Mr. Hoover's position.

Senator McCLELLAN. Let's say it would be the President's position. It would be somebody's and let's take it to the top of the Government.

Mr. COHN. Mr. Hoover is the head of an investigative agency and I don't think he makes policy on those things. He works for the Attorney General.

Senator McCLELLAN. Do you want to say the Attorney General, then?

Mr. COHN. I would say "yes."

Senator McCLELLAN. Let's pin it down there. Suppose the Attorney General takes the position, and we subpoena this 15-page document and it will supply what is missing in the 2¼ page document, and therefore by getting that document by subpoena, this committee would be in a position of having information which would enable it to more thoroughly investigate the matters involved. Under those circumstances, do you take the position that we can compel or should be able to compel the Justice Department to release that document to this committee?

Mr. COHN. Senator, I think I gave you an incorrect answer to that question. I don't think the Attorney General would come in at the first point.

Senator McCLELLAN. It doesn't matter what point. Let's get to him. We get to him ultimately.

Mr. COHN. Ultimately you get to the Attorney General.

Senator McCLELLAN. We get to him. Where are we when we get there? Can we compel him? Can this committee compel him by contempt proceedings or otherwise to submit that document?

Mr. COHN. That would depend on the circumstances.

Senator McCLELLAN. Well, the circumstance is, he refuses.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Can we compel him by contempt proceedings to submit that document? Do you contend that, that we have that authority?

Mr. COHN. The committee could certainly make a test of it.

Senator McCLELLAN. You can make a test, but do you contend that the test would be successful or that it should be successful? Is that your position?

Mr. COHN. I don't know whether it would be or would not, sir. That gets into——

Senator McCLELLAN. I understand you don't know, and neither do I know. Maybe the country doesn't know. Maybe that is the situation. I think that is where we are on this thing.

Do you contend that the attempt should be successful?

Mr. COHN. Sir, once again, I am very hesitant about giving a policy——

Senator McCLELLAN. It is going to be the policy of this committee to get it or not to get it.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Where are we?

Mr. COHN. I would say we are here, sir. My hope is that some arrangement could be worked out whereby the Executive could make available to this committee and other committees of the legislature—

Senator McCLELLAN. That isn't the point. Maybe something can be worked out and maybe this issue will be resolved sometime.

Mr. COHN. That is right.

Senator McCLELLAN. The point I am trying to make is, now do we have the legal right to subpoena and get that document, does this committee have it?

Mr. COHN. That presents a legal question, sir.

Senator McCLELLAN. I know, and you are a very good lawyer, I understand. What is your position, that we do get it or that we don't, under the law as it is now?

Mr. COHN. I would have to tell you on that, Senator, two things: No. 1, it would depend on the circumstances of the case.

Senator McCLELLAN. Irrespective of the circumstances, if this committee decided it needed that document to carry out its functions and perform its duties. Just assume the circumstances in a case like that. That is what I am trying to do, nothing more. I am not trying to place you on the spot in any way. I am trying to get this issue clarified so we can know whether we are operating legally, whether this committee is going as far as it can go under existing law, or if it is not.

Mr. COHN. Yes, sir.

I would say that on the question of law, the paramount obstacle is the Presidential directive. The question then comes up as a matter of law whether the Executive has the power.

Senator McCLELLAN. What I am trying to determine, Mr. Cohn, is this, and it is a very vital issue under the circumstances, as I see it. Are the FBI files to be sacred, to be confidential, beyond the reach of an investigating committee, or does the investigating committee have the right and the subpoenaing power to compel their production? That is where we are. That is the issue, and an issue that I think must be resolved.

Mr. COHN. Yes, sir.

Senator McClellan, once again, I am sorry I am not helpful on this. There are legal questions.

Senator McCLELLAN. You had stated your views to Mr. Welch.

Mr. COHN. I am afraid I am not good enough to resolve or even give you what would be a sound opinion on the law. I can give you what our general experience has been and what I think it adds up to, Senator, which is this: I don't see a reason why there should be a conflict. I think that each, both the executive and the legislative, have functions to carry out. I know they both want to accomplish the same thing.

Senator McCLELLAN. But you do know there is a conflict?

Mr. COHN. I hope, sir, that the conflict is not as serious as some people have tried to make it.

Senator MUNDT. It is 12:30. The Chair suggests we recess until 2 o'clock.

I would like to see the reporter who reported the executive session for just a minute.

(Whereupon, at 12:35 p. m., the hearing was recessed until 2 p. m., of the same day.)

INDEX

	Page
Adams, John G.....	2257-2261, 2245-2249
Adams, Sherman.....	2266
Air Force (United States).....	2273
Alsop, Joseph.....	2266
American Armed Forces.....	2252, 2272
Anastos, Mr.....	2254
Army (United States).....	2246-2253, 2258-2262, 2267, 2271-2273
Army intelligence officer.....	2252
Army loyalty board.....	2247, 2248
Army officer.....	2252
Army Signal Corps.....	2250, 2251
Attorney General (United States).....	2276
Bell, Jack.....	2266
Berry, Lew.....	2266
Blount, Lieutenant.....	2262-2264
Camp Kilmer.....	2269
Carr, Francis P.....	2247-2249, 2253, 2262, 2273
Clifford, Clark.....	2244, 2245, 2250, 2266
Cohn, Judge.....	2266
Cohn, Roy M.....	2244
Testimony of.....	2245-2277
Coleman, Aaron.....	2252, 2266
Committee on Finance (Senate).....	2261
Communist infiltration in the Army.....	2246, 2248, 2251, 2252, 2257
Communist major.....	2267
Communist Party.....	2246, 2247, 2251, 2253, 2256-2260, 2266-2271, 2273
Communists.....	2246, 2247, 2251, 2253, 2256-2260, 2266-2271, 2273
Craig, May.....	2262, 2266
Crouch, Paul.....	2250-2253
Crouch document.....	2252
Crouch memorandum.....	2251, 2253
Dental Corps.....	2269
Department of the Army.....	2246-2253, 2258-2262, 2267, 2271-2273
Dirksen, Senator.....	2248
Draft Act.....	2251
East, Mr. (Mr. "X").....	2266
Eisenhower, President.....	2266, 2275
Eisenhower document.....	2275
Eleven top-string Communists.....	2266
FBI (Federal Bureau of Investigation).....	2248, 2252, 2256, 2274, 2277
FBI memorandum.....	2252
Federal Bureau of Investigation (FBI).....	2248, 2252, 2256, 2274, 2277
Fifth-amendment Communist.....	2267
Finance Committee (Senate).....	2261
First World War.....	2254, 2272
Fort Monmouth.....	2246, 2251, 2263, 2269, 2270
Fuchs, Klaus.....	2268
Hensei, H. Struve.....	2258
Hoover, J. Edgar.....	2256, 2275, 2276
Internal Revenue Service.....	2261
Jackson, Senator.....	2266
Jones, Bob.....	2266
Juliana, Mr.....	2254
Kennedy, Patricia.....	2266
Kitchen police (K. P.).....	2262-2264
Korean conflict.....	2272
K. P. (kitchen police).....	2262-2264

INDEX

	Page
Adams, John G.-----	2257-2261, 2245-2249
Adams, Sherman-----	2266
Air Force (United States)-----	2273
Alsop, Joseph-----	2266
American Armed Forces-----	2252, 2272
Anastos, Mr.-----	2254
Army (United States)-----	2246-2253, 2258-2262, 2267, 2271-2273
Army intelligence officer-----	2252
Army loyalty board-----	2247, 2248
Army officer-----	2252
Army Signal Corps-----	2250, 2251
Attorney General (United States)-----	2276
Bell, Jack-----	2266
Berry, Lew-----	2266
Blount, Lieutenant-----	2262-2264
Camp Kilmer-----	2269
Carr, Francis P.-----	2247-2249, 2253, 2262, 2273
Clifford, Clark-----	2244, 2245, 2250, 2266
Cohn, Judge-----	2266
Cohn, Roy M.-----	2244
Testimony of-----	2245-2277
Coleman, Aaron-----	2252, 2266
Committee on Finance (Senate)-----	2261
Communist infiltration in the Army-----	2246, 2248, 2251, 2252, 2257
Communist major-----	2267
Communist Party-----	2246, 2247, 2251, 2253, 2256-2260, 2266-2271, 2273
Communists-----	2246, 2247, 2251, 2253, 2256-2260, 2266-2271, 2273
Craig, May-----	2262, 2266
Crouch, Paul-----	2250-2253
Crouch document-----	2252
Crouch memorandum-----	2251, 2253
Dental Corps-----	2269
Department of the Army-----	2246-2253, 2258-2262, 2267, 2271-2273
Dirksen, Senator-----	2248
Draft Act-----	2251
East, Mr. (Mr. "X")-----	2266
Eisenhower, President-----	2266, 2275
Eisenhower document-----	2275
Eleven top-string Communists-----	2266
FBI (Federal Bureau of Investigation)-----	2248, 2252, 2256, 2274, 2277
FBI memorandum-----	2252
Federal Bureau of Investigation (FBI)-----	2248, 2252, 2256, 2274, 2277
Fifth-amendment Communist-----	2267
Finance Committee (Senate)-----	2261
First World War-----	2254, 2272
Fort Monmouth-----	2246, 2251, 2263, 2269, 2270
Fuchs, Klaus-----	2268
Hensei, H. Struve-----	2258
Hoover, J. Edgar-----	2256, 2275, 2276
Internal Revenue Service-----	2261
Jackson, Senator-----	2266
Jones, Bob-----	2266
Juliana, Mr.-----	2254
Kennedy, Patricia-----	2266
Kitchen police (K. P.)-----	2262-2264
Korean conflict-----	2272
K. P. (kitchen police)-----	2262-2264

	Page
Lawford, Peter	2266
Lawton, General	2245, 2246, 2266
Legislative Reorganization Act	2256
Loyalty board (Army)	2247-2248
Loyalty boards	2272
McCarthy, Al	2266
McCarthy, Senator Joe	2249, 2252-2254, 2256, 2257, 2259, 2262, 2263, 2265-2268, 2270, 2271, 2273
McCarthy, Mrs. Joe	2266
McClellan, Senator	2244, 2268
Meet the Press (television program)	2262
Member of Congress	2267
Miller, Lieutenant	2264, 2265
Moore, Harriett	2263
Morgan, Gerry	2266
Mundt, Senator	2248
National Guard	2254
Navy (United States)	2251, 2273
Nixon, Vice President	2266
Peress, Maj. Irving	2258, 2259, 2267-2271
Peress case	2258, 2259, 2269-2271
President of the United States	2266, 2275
Rainville, Harold	2266
Reber, General	2266
Reber's brother	2266
Remington, Bill	2266
Ringler, Colonel	2264-2268
Rogers, Bill	2266
Rosenberg case	2252
Rosenbergs	2266
Russia	2251
Ryan, General	2264
St. Clair, Mr.	2254, 2268
Schine, G. David	2250, 2251, 2263, 2265, 2266, 2268
Schine's chauffeur	2266
Schine's father	2266
Schine's girl friends	2266
Schine's mother	2266
Screening board	2247
Second top-string Communists	2266
Second World War	2254, 2272
Secretary of the Army	2246, 2249, 2252, 2257-2261, 2266
Senate Committee on Finance	2261
Senate of the United States	2249
Signal Corps (U. S. Army)	2250, 2251
Sokolsky, George	2266
Soviet Union	2253
Stevens, Robert T.	2246, 2249, 2252, 2257-2261, 2266
Surine, Don	2266
Symington, Senator	2249
Television program (Meet the Press)	2262
United States Air Force	2273
United States Army	2246-2253, 2258-2262, 2267, 2271-2273
United States Army Signal Corps	2250, 2251
United States Attorney General	2276
United States Internal Revenue Service	2261
United States Navy	2251, 2273
United States President	2266, 2275
United States Senate	2249
United States Vice President	2266
Vice President of the United States	2266
Williams, Senator (Delaware)	2261
World War I	2254, 2272
World War II	2254, 2272
Yokohama	2267
Zwicker, General	2253, 2254, 2267

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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
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PART 57

JUNE 8, 1954

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CONTENTS

	Page
Index -----	I
Testimony of—	
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on Investigations -----	2286

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

TUESDAY, JUNE 8, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

(The hearing was resumed at 2:13 p. m. pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair will begin this session in the usual way, by welcoming the guests who have come to join us in the committee room, and telling you that we are happy to take care of you to the extent of the rather limited capacity of the committee room.

I must call your attention to a standing rule of the committee which forbids any audible manifestations of approval or disapproval of any kind from the members of the audience, and to advise you that the uniformed officers of the Capitol Police who are in the room before you, and the plain-clothes men scattered throughout the audience, have standing instructions from the committee to escort immediately from the room, politely but firmly, any of our guests who should elect to violate the terms under which he entered the room; namely, to refrain completely from any manifestations of approval or disapproval.

So I am sure that we can count on the continued cooperation of our audience in that connection.

The Chair would like to announce for the benefit of his colleagues that he is requesting Senator McClellan and Mr. Alderson, of the reportorial service, to meet in my office immediately after the conclusion of these hearings for the purpose of making available from my custody in the safe, to Mr. Alderson, all of the stenotypic notes of all of the executive testimony that has been taken, in pursuance of the decision of the subcommittee to place a typewritten copy of those executive hearings in the office of the counsel, Mr. Jenkins, where it will be available to all of the members of the subcommittee or to the minority counsel, Mr. Kennedy.

Since the Chair doesn't want to do anything in the dark, I want to be sure that Senator McClellan is there when we empty out the contents of the locked cabinet in my office. The Chair would like to also announce to his colleagues that he is asking all principals, Mr. Welch, and I want you to hear this, and Senator McCarthy, and Mr. Cohn, he is asking all principals to this controversy, and all members of the subcommittee to supply to Mr. Jenkins in writing, by Thursday noon, a list of the witnesses that in your mind you believe should be called before the hearings are terminated. After that is done, then the Chair will suggest we have an executive meeting of the committee to see whether at that time when there has been ample opportunity to read the testimony we can agree upon a stipulated list of witnesses.

Senator McCLELLAN. Mr. Chairman, may I inquire, either of you or of counsel the names of the witnesses who will be called, who now will be called, irrespective of the requests submitted?

Senator MUNDT. The Chair—

Senator McCLELLAN. There is no use to submit those, if you will announce who they are.

Senator MUNDT. The Chair has no specified list in mind. He is going to continue, until he gets the list from his subcommittee colleagues and the principals, to call the witnesses as they are proposed to him by Mr. Jenkins, and we have followed the rule as you know not to announce publicly in advance either the identity of the witnesses to be called next or their number.

To answer your question directly, there is no firm list prepared at the present time.

Senator McCLELLAN. Then I will address the question to counsel, if he will now announce whom he intends to call before the witnesses are closed. So we may know, and there is no use to duplicate, if we know whom you have in mind to call before we close these hearings and we can consider what other witnesses we might regard as necessary.

Mr. JENKINS. Addressing my remarks particularly to Senator McClellan, I want to say this, that thus far I have called each and every witness that I have been requested to call by Mr. Welch of the Army. We are now putting on the side of Senator McCarthy—one of the principals of Senator McCarthy's side of this controversy has been on the witness stand a number of days. I have been requested to call additional witnesses as stated by the chairman, and it has not been my policy to announce who they are; if it would be satisfactory with Senator McClellan, I would be happy to inform him and all other members of the committee privately now or within a few minutes the names of the witnesses that we expect to call before the hearings are concluded.

Senator MUNDT. The Chair thinks that would be much better than to relate them publicly at this time.

Senator McCLELLAN. That is entirely satisfactory to me, but we have had some discussions about some we know or we think we know are going to be called. Now, I wouldn't want to omit those, if I submit a list. But if I can know who is going to be called anyhow, why, then I could omit them.

Senator MUNDT. The Chair states that Mr. Jenkins was including in the list of people who are supposed to submit a list of prospective witnesses, so that he will have his own list before us at that time. It is simply an effort to try to probe the minds of all of the parties to the controversy, principals and committee members, looking toward the hope that we can then meet and agree upon a stipulated list of witnesses, and having agreed upon that perhaps we can agree upon some target date for the conclusion of the hearings.

Senator McCARTHY. Mr. Chairman, on the question of witnesses the other day I discussed what means could be used to induce Senator Symington to testify and give the information he had about this, in view of the phone calls he made to Secretary Stevens, and calls which it appear on the surface, unless they are explained, that he was trying to induce Stevens not to come before the committee. I have gone over that in detail since that time, Mr. Chairman, with constitutional lawyers, and the general agreement is that in view of the constitutional provision, I cannot quote it verbatim, but it is to the effect that a Senator can only be made to answer for his acts upon the Senate floor, I don't believe that we can force Senator Symington to testify.

May I say I know that Senator Symington has not called for my advice, and he perhaps won't, but if the calls are left unexplained it will appear to the average listener, and I know it does to the thousands of people who write me every day, that Senator Symington was trying to induce this fight.

Now, he may not have been, and he hasn't asked for my advice, but I would strongly advise him, if he did ask for advice to take the stand and testify. I think that would be very important testimony to clear up a question that as of today is in the minds of a vast number of people.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. May I rise to a point of personal privilege?

Senator MUNDT. You may. Then the chair is going to suggest that after that we get on with the interrogatory, because the last thing he had in his mind was to precipitate a renewal of this colloquy. He did want to solicit from his associates a list of witnesses that they want to have called.

The Chair recognizes Symington on a point of personal privilege.

Senator SYMINGTON. I appreciate that, Mr. Chairman.

As I said before, I have no objections of any kind to saying anything under oath that I say not under oath, because I tell the truth. I would be very glad to go under oath, even though it is a rather extraordinary situation to be a judge in a case of this character and then suddenly to have one of the defendants in the case demand that the judge go to the stand and take an oath and testify.

I have said, however, that I would be glad to discuss this with Senator McCarthy on the floor of the United States Senate. Since that

time I have checked with the leaders of the Senate on my side of the aisle, and they completely agree with my position.

I have said even further that if Senator McCarthy would like to agree to an arrangement between him and me—because I have nothing to hide—I am sure he doesn't need my advice—I will make a talk on the floor of the Senate and then come before this committee and testify under oath, if he will make a talk on the floor of the Senate and then come before this committee and testify under oath with respect to the charges that were made against him in 1952, which were unanimously signed by Democratic and Republicans on the committee.

Senator McCARTHY. Will the Senator yield? Would Senator Symington yield?

Senator SYMINGTON. Mr. Chairman, I have made my statement. If I still have time, I will be glad to yield.

Senator McCARTHY. I would like to ask the Senator this: I think he has made a very attractive offer there. I wonder if it is necessary for me to make a speech on the floor of the Senate. I don't see any necessity for that. The question is whether or not you will testify before the committee. You have now said that you will go under oath if I am willing under oath to answer the old Benton charges of 1952. While I think those are not material to this case, I would consent to let you or anyone question me in detail on those Benton charges if by so doing we can get you under oath.

You mention a speech on the floor of the Senate. I just wonder, Senator, if you couldn't narrow your offer to make it that we both come before the committee. If you require that I make a speech, of course I can go over and make a 5-minute speech on the floor to get you to testify.

Senator SYMINGTON. We both don't come before this committee, Senator.

Senator McCARTHY. You made an offer—

Senator SYMINGTON. I am not talking about the Benton charges. I am talking about the charges that were made in the report that was signed by all members on the Democratic side and the members on the Republican side that had to do with the Lustron loan. It didn't have anything to do with any charges that were made by Mr. Benton as far as the report was concerned.

You have picked your place where you would like to take a judge off of a committee and have him come down and testify where you can interrogate him, even though you are on the defensive here, and not I.

I say, in order that there will be not a shadow of a doubt about it, you have your committee here. We will go on the floor of the Senate and arrange a committee to hear you, and I would be willing to have this committee hear me.

That is where it stands, and you can take it or leave it.

Senator McCARTHY. I don't understand. Mr. Chairman, may I pursue this for a minute? Do I understand that your offer is to form a different committee and not to testify before this committee? I am trying to accept your offer so you will testify.

Senator SYMINGTON. You will have your opportunity, Senator.

Mr. Chairman, I believe it would be only fair, under the circumstances, if the committee that Senator McCarthy came before with respect to the charges against him was the committee we could discuss on the floor of the United States Senate, and the committee which

would put me under oath with respect to this hearing would be a committee that we would discuss before the United States Senate.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The Chair believes this colloquy is getting us no place.

Senator McCARTHY. A point of personal privilege, Mr. Chairman.

Senator MUNDT. I shall recognize just one more point of personal privilege on this subject.

Senator McCARTHY. This is very important, Mr. Chairman.

Senator Symington this morning in executive session said that he would testify under oath if I would be willing to testify in regard to all of the charges made in 1952. I understood he meant to testify before this committee. No one else has any jurisdiction of Senator Symington's testimony. While I think it would be completely irrelevant to go into the Benton charges, the Maryland campaign, may I say if in that way we could induce the Senator from Missouri to take the stand here and take the oath, I will consent here and now to be questioned in detail about all of those Benton charges, the Maryland campaign, everything else.

If the Senator from Missouri is suggesting that at some time in the future he is going to take the floor and try and get a different committee to find out what part he took in calling on these hearings, what part he took in trying to induce Mr. Stevens not to testify and to call off the investigation of communism, that is such an obvious dodge that I don't think a single one of our jury of millions of people will be deceived.

But let me repeat, Senator: You made an offer, I thought, that you would take the oath and testify if I would lay myself open to cross-examination on all of the Benton charges, all those, as you say, which were covered in that report signed by some 5 or 7 Senators—I forget which.

I will accept that offer and allow myself to be fully cross-examined before this committee on that, even though I think it is irrelevant, if you will take the stand. I don't intend to go into any of your activities except your activities insofar as they deal with your getting the Democrat political adviser, Clark Clifford, to advise Secretary Stevens not to come and testify and the extent to which you were successful. That is all I am concerned about. I am concerned about the issues in this case.

However, if it takes 2 days or 5 or 10 of cross-examination about my past life, I will be glad to submit myself to that in order to get at the facts in this case—period, Mr. Chairman.

Senator MUNDT. The Chair will now recognize Senator Symington on a point of personal privilege. After that, he is going to recognize Senator Dirksen to continue with the 10-minute interrogatory.

Senator SYMINGTON. Nobody in the Senate knows more about how to avoid testifying than the junior Senator from Wisconsin. And everybody in the United States knows that that fact is true. If I come before this committee which today in effect voted not to hear witnesses that only yesterday were asked to be heard, then I certainly think that he should go before the committee that investigated him. To say that these are charges of the Maryland campaign is ridiculous.

I have no interest whatever in the Maryland campaign. At the same time that the charges with respect to the Senator from Wisconsin were investigated, the charges with respect to the Senator from Connecticut, Mr. Benton, were investigated. It was a joint report.

Now, he knows that he did not come before that committee even though he wasn't sitting on the committee like I am now. I will be very glad to discuss this matter on the floor of the Senate with him, anytime that he would like to, and I renew my offer.

Senator McCARTHY. Just one more point of order.

Senator MUNDT. The Chair will not listen to this because we are not getting any place. I am sure that both of you have exhausted your points of personal privilege, and argument which has been running on now for several days.

Senator McCARTHY. Mr. Chairman, I have an important point to call a point of order, then.

Senator MUNDT. What is the point of order?

Senator McCARTHY. It will just take 30 seconds. It is this, Mr. Chairman, that there has been a misstatement made. Mr. Symington has said that no one knows better than the Senator from Wisconsin how to avoid testifying. I have now at this time made the offer to go on the stand and let him question me about everything, I don't care how irrelevant it is, if he will merely consent to go on the stand and tell us why and how it happened that, No. 1, he got the political adviser of the Democrat Party to guide under cover the Republican Secretary of the Army, and No. 2, while our friend, "Sanctimonious Stu"—

Senator SYMINGTON. Senator McCarthy, I object to that reference to my first name, you better go to a psychiatrist. I want no psychological bribes from you.

Senator McCARTHY. Why, Mr. Chairman, when he was advising us that he wanted all of the facts laid on the table, when he was advising the Republicans to testify, he kept secret the fact that Mr. Stevens told him the day before the charges were issued, or a couple of days before it, there is nothing to this, and Symington nevertheless succeeded in getting Mr. Stevens to issue those unfounded charges. That is all I want from Mr. Symington, and I think that he should be willing to do it when he says that I am a master at the art of avoiding being questioned. I have been under oath here, Mr. Chairman, and I intend to take the oath again, and I will let him run as far afield as he wants to if he will only go on the stand and answer those few questions and nothing further, Mr. Chairman.

Senator SYMINGTON. Mr. Chairman, I want to reply.

Senator MUNDT. Senator Symington, one final time on this continuing colloquy which is ceasing to be as interesting to the rest of us as to the participants in it, but I will recognize Senator Symington.

Senator SYMINGTON. I will say, in all due respect to the chairman, it is not interesting to me, but I believe that any American has a right to answer when false charges like the recent charges just stated by the Senator from Wisconsin are made. I want again to remind him that what he consistently calls my staff, although I thought that I had some situation here with respect to this committee and the people that he has around him, are certainly going to get the opportunity of questioning me, provided the people who made that report about him which he studiously and carefully avoid answering over a long period of

months—and I now have read the record. That is the arrangement, and I will be glad to go through with it any time that he wants. I will be glad to discuss it on the floor of the Senate any time he wants.

Now I suggest in the interest of these hearings that the charges are often forgotten. The charges were: Did Senator McCarthy and two members of his staff use improper pressure against Mr. David Schine, or rather, for Mr. David Schine with the Army? The countercharge was that there was blackmail on the part of the Army and the use of Mr. Schine as a hostage.

Now, those are the charges that have been made. I have told Senator McCarthy again that anybody in this Government, even a Cabinet member like Secretary Stevens, when they come to me the day before I was to leave for Europe and ask for my help, I am going to give it to them.

I also was agreeable to their having the advice of a good lawyer, whose name seemed to fill this courtroom yesterday, and whose name seems to be conspicuously silent today.

Now as far as the additional charge just made, with respect to my finding out from Mr. Stevens when I got back, March 6 or thereabouts, about an article, or rather, a group of charges which was in the press about Mr. Schine, I called Mr. Stevens and asked him whether or not he would give me the charges. On that I think it is fair to say he did not agree that I should have them.

At that time, or before that or after that, I did not have the faintest, most remote idea that I was going to get the document until I received it with a letter stating in accordance with the request from Senator Potter, it was being sent to me; nor did I have the remotest idea that any charges of any kind were going to be preferred against this committee, nor did I have the remotest idea that any countercharges were going to be preferred against the Army.

What I am standing on now is senatorial dignity. If the leaders of the Senate believe that it is advisable for me to step off this committee and go on the witness stand in order that a defendant to very serious charges have the right, with counsel, to interrogate me, I will be glad to do it.

Now, Mr. Chairman, I hope we can get on with the hearing.

Senator MUNDT. Senator Dirksen, you have 10 minutes.

Senator DIRKSEN. Mr. Chairman, I have no questions. I have only an entreaty to members of the committee and to the principals in this case that we avoid all these irrelevant and extraneous matters which have no bearing on the issue before us, and that we can move on to a conclusion of this proceeding. That is all I have got to say.

Senator MUNDT. Senator Jackson.

Senator JACKSON. I pass.

Senator MUNDT. Senator Potter.

The Chair should announce that Senator Potter has asked him to announce to his colleagues that he has been called out of town for the rest of the afternoon and will be back with us by tomorrow noon. He requested that there be no committee votes taken in his absence, and our colleagues have agreed to that, as I understand it.

Senator Dworshak?

Senator DWORSILAK. No questions.

Senator MUNDT. Senator McCarthy?

Senator McCARTHY. No questions.

Senator MUNDT. Mr. Welch or Mr. St. Clair.

TESTIMONY OF ROY M. COHN—Resumed

Mr. WELCH. Mr. Cohn—

Senator McCARTHY. May I take 2 minutes of my time on second thought?

Mr. WELCH. I take it not out of my time?

Senator McCARTHY. No; out of my time.

I am afraid I will have to wait until I get some material.

Senator MUNDT. The Chair will abide by that first thought you had and go ahead with Mr. Welch. Mr. Welch or Mr. St. Clair.

Mr. WELCH. Mr. Cohn, I have been interested in the course of this hearing to hear the occasional description of Mr. Stevens as a personality, which emanates from the Senator and from you.

Mr. COHN. Yes, sir.

Mr. WELCH. We have a difficulty about seeing each other again, Mr. Cohn.

There isn't much room for you to move, sir. Could you hitch a little to your left, Mr. Cohn?

Mr. COHN. Surely.

Mr. WELCH. Unless that runs someone else into trouble.

I think it was stated yesterday that the Senator spoke of Mr. Stevens in reasonably glowing terms. Do you remember, sir?

Mr. COHN. I remember him speaking of Mr. Stevens, sir.

Mr. WELCH. And you have from time to time.

Mr. COHN. Yes, sir.

Mr. WELCH. In that connection, I would like to throw our minds back to, shall I say, happier days when everybody thinks happier thoughts and try to look at the individuals involved in this case as of the Christmas season last year.

Will you select that as a good, happy day, sir?

Mr. COHN. Surely, sir.

Mr. WELCH. I happen to know that on that date the Senator sent 5 pounds of Wisconsin cheese to the Secretary of the Army. Would that be consistent with your thoughts on that occasion?

Mr. COHN. Sir, I know the Senator sends a lot of Wisconsin products around; yes, sir.

Mr. WELCH. And not forgetting Mr. Adams, he sent a like quantity to him. As for you, Mr. Cohn, I believe you restricted yourself to ordinary Christmas greetings, and I don't criticize you for it. Is that right, however?

Mr. COHN. I did not send gifts to either Mr. Stevens or Mr. Adams.

Mr. WELCH. Turning to the Senator and losing for Welch, where I am not a candidate in the dairy States of New York and Vermont, I too eat Wisconsin cheese, sir.

As of Christmas I take it that the words that I find in the record of yours—and you may trust me to read them correctly—"I regard Mr. Stevens as a fine, gentlemanly, courteous person," would certainly apply, wouldn't they?

Mr. COHN. As far as I am concerned, sir, they still apply. Mr. Stevens never treated me in any way but with courtesy and I have always thought him to be a very fine, courteous gentleman. Yes, sir.

Mr. WELCH. He is an extremely thoughtful person, isn't he?

Mr. COHN. He is very pleasant, cordial.

Mr. WELCH. He is an extremely cordial host?

Mr. COHN. Yes, sir.

Mr. WELCH. And he is a great person?

Mr. COHN. I think he is, sir.

Mr. WELCH. And a kind person?

Mr. COHN. Yes, sir.

Mr. WELCH. And an honorable person?

Mr. COHN. He is certainly gracious and kind, sir.

Mr. WELCH. And as of Christmas 1953, remembering that season, it was your view that he was an honorable person?

Mr. COHN. Yes, sir.

Mr. WELCH. Mr. Cohn, in view of those simple statements, I want to direct your attention to what I think is the toughest English in this case. Will you look at the memorandum you dictated on November 6, Friday.

Mr. COHN. Sure.

Mr. WELCH. It is No. 2. Of a man that you thought was courteous and gentle and kind and honorable, you wrote these words:

He—

meaning Mr. Stevens—

suggested that we go after the Navy, Air Force, and Defense Department instead. We said first of all we had no evidence warranting an investigation of these other Department. Adams said not to worry about that, because there was plenty of dirt there, and they would furnish us the leads. Mr. Stevens thought this was the answer to his problem.

Let me say to you again, Mr. Cohn, I think the stark nature of those English words that you used are the toughest things in this case. You know how I like to use simple and sometimes gutter language, don't you?

Mr. COHN. I have heard your comments.

Mr. WELCH. Right. Isn't this charge that I have read to you, in the language of the underworld, an offer of Stevens to "rat" on the other two services?

Mr. COHN. I don't think so, sir.

Mr. WELCH. It is an offer, if I can read English—strike out "offer"—it was a suggestion that you go after the Navy, the Air Force, and the Defense Department, wasn't it?

Mr. COHN. As I have described that.

Mr. WELCH. I know you have described it. When you said you didn't have any evidence, Mr. Adams spoke up brightly and said:

Don't worry about that, there was plenty of dirt there, and they would furnish us the leads. Mr. Stevens thought this was the answer to his problem.

Can that mean anything else, Mr. Cohn, except that Stevens offered to betray the other two services, and that Adams would help turn up the dirt and furnish the leads?

Mr. COHN. Sir, I think it means just what it says.

Mr. WELCH. Isn't that what it says?

Mr. COHN. No, sir. I think I have described the conversation.

Mr. WELCH. Do you want to soften these words which seem to me so tough? I am glad to have you soften them.

Mr. COHN. I don't think it is a question of softening them, Mr. Welch. I think it is a question of understanding the context in which they were said, and what happened at that meeting. Mr. Stevens and Mr. Adams wanted us to just go someplace else and leave their Department alone for a while. They felt that if we spread things around and let them alone for a while and spread things around so that the Army was not singled out, so it didn't look as though the Army was being singled out and that other branches were included as well, it would not point things so directly at their Department, which I assume they were trying to represent as best they could. It was in those contexts that those statements were made, and they were made.

Mr. WELCH. But the other place to which they wanted you to go was the brother or the sister services, as you wished to name them. That is to say here was Stevens the Secretary of the Army, and he said in substance, "Sic your dogs on the Navy," or "Sic your dogs on the Air Force, and I will have John Adams stand by and furnish the leads and there is plenty of dirt." Wasn't it just that simple?

Mr. COHN. No, sir.

Mr. WELCH. Well, he certainly said, Adams said in his presence, Adams said not to worry, there is plenty of dirt there, and they would furnish us the leads.

Mr. COHN, did you ever have a finer informer offered to you than this highly placed Secretary of the Army who said to you in substance, "I will rat on the other two services, Stevens and I or Adams, and I will furnish you the dirt and the leads, and you crucify them and let us alone."

Mr. COHN. That was never said, sir.

Mr. WELCH. I understand the word "crucify" was never said?

Mr. COHN. No, sir.

Mr. WELCH. But could anything be plainer than that this fine courteous gentleman offered himself as the prize informer of all time, one placed on the Cabinet level. Isn't it fair to say that that is exactly the offer he made?

Mr. COHN. I don't think it happened quite that way, Mr. Welch.

Mr. WELCH. I don't care how it happened. I am talking about the English you used. Didn't you say, sir, in the plainest of English in this memorandum, of this fine courteous gentleman, that he offered to be a traitor to the other two services?

Mr. COHN. No, sir; I don't believe I used the word "traitor" then or at any other time about Mr. Stevens, and I don't use that word now.

Mr. WELCH. If this memorandum of yours means what it seems to me to say, it means just what I have said and that is that Adams would furnish the dirt and Adams would furnish the leads and you could investigate the other two branches and Stevens and Adams could lean back and breathe deeply and softly. Isn't that what that means?

Mr. COHN. Not exactly, sir.

Mr. WELCH. Well, if it doesn't mean that, do you want now to change its meaning to something other than what seems to be the fair meaning of it?

Mr. COHN. No, sir, I want to let the meaning stand as what it actually is.

Mr. WELCH. And do you want to go on telling us that as of Christmas, 1953, after Stevens had offered to rat on his sister services, you regarded him as a fine courteous gentleman?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Mr. Welch, your time has expired and the witness may answer the question.

Mr. COHN. The answer to the question is this, Mr. Welch: You put some words in there which I have never used, such as "crucify," and "traitor," and things like that. What Mr. Stevens had suggested we do was just not single out the Army, and he felt the Army was being singled out as a target of the investigation, and he thought if we could spread it around, and include in other branches of the military, wherein there were the same situations, and problems which the Army had, that would not leave him out in such bold relief. That was what his suggestion was.

These other words, and characterizations are yours and not mine. I think that I was very careful to say which was the fair and the honest thing to say on direct examination, or at the very beginning of my testimony, that neither Mr. Stevens nor Mr. Adams ever suggested to me that there would be false information or that they wanted any untrue or unfair or false thing done concerning the Navy and the Air Force or any place else. They wanted us to spread this thing around so that they would not be the whole target of what they regarded as an embarrassing situation. That is what it is, sir.

Senator MUNDT. Mr. Jenkins, you have 10 minutes.

Mr. JENKINS. Pass, Mr. Chairman.

Senator MUNDT. The Chair will pass in an effort to recapture some of the time we lost earlier this afternoon and save it for Mr. Welch's questions.

Senator McClellan?

Senator McCLELLAN. Mr. Cohn, let us get back to the FBI just a minute or two. I think we were discussing the two documents at the time my time expired before, and I was trying to help point up this, one of the most serious problems, I think, and controversies if there is such between some of the legislative and some of the executive branches of the Government. I am trying to ascertain, and you stated your views very clearly to Mr. Welch on some aspects of this, but what I am trying to ascertain is whether we can get by legal processes from this committee documents that are marked classified or secret or confidential which prohibits them from being released insofar as the executive can control them.

Mr. COHN. Yes, sir. We can obtain some such documents.

Senator McCLELLAN. I beg your pardon?

Mr. COHN. We can get certain such information; yes, sir.

Senator McCLELLAN. You can get it by subpoena?

Mr. COHN. Well, without even subpoena, sir, there have been documents—

Senator McCLELLAN. But I am talking about one that will not be released, and you can't get any documents you want from the FBI, and you know that.

Mr. COHN. We can't get any for this reason, sir, that the important reason for keeping FBI reports in their original form from inspection by committees or things of that kind is first of all that FBI reports

will frequently contain the name of FBI informants, and if there were publications of the name of those informants that would eliminate that source of information to the FBI.

Senator McCLELLAN. Aren't there many documents down there that are marked confidential that do not contain names of informants?

Mr. COHN. There might be, sir.

Senator McCLELLAN. Don't you know that to be a fact?

Mr. COHN. I would say this, Senator McClellan: I have never seen a full FBI document which does not either directly or indirectly contain the name or identification of an informant; no, sir. They usually use, their investigative reports are usually based on information given to them and they will usually, I think this is a matter of record, they will usually begin with a reference direct or very often indirect to the informant from whom the information might come.

Senator McCLELLAN. Some of them use code names, do they not?

Mr. COHN. Yes, sir; they use symbols, they are the usual thing in the case of certain names.

Senator McCLELLAN. The point I am trying to make, and I think you know what it is, is do you feel that this committee has a right to get those documents otherwise if it can't get them by subpoena; if they can't get them legally by subpoena do you feel we have a right to get them otherwise?

Mr. COHN. You are talking now, Senator—

Senator McCLELLAN. I am talking about classified documents in the FBI.

Mr. COHN. We have no right to get any documents directly from the FBI; no, sir.

Senator McCLELLAN. Directly from the FBI?

Mr. COHN. No, sir.

Senator McCLELLAN. But if you can do it indirectly?

Mr. COHN. It isn't a question of doing it indirectly, Senator McClellan; you have an additional step. You have the documents and the reports and the information forwarded to a Government agency. If that Government agency fails to act on the basis of this FBI information which has come to it, it is not so much important for us to get the FBI document or the document from the other agency, it is important for us to know that the agency has mishandled a situation. As I say, protected Communists or—

Senator McCLELLAN. It is originally an FBI document, isn't it?

Mr. COHN. A document sent to another agency?

Senator McCLELLAN. Yes.

Mr. COHN. Yes, sir.

Senator McCLELLAN. It is an FBI document, and it is still marked "confidential" when it goes there, isn't it?

Mr. COHN. This letter you are talking about, Senator, was marked "confidential."

Senator McCLELLAN. That is not the character I am talking about, not in that category. You know that.

Now I notice one thing that is pretty significant, and that is—I am not criticizing anybody, and I am simply trying to bring or focus on this thing—this difficulty that we are confronted with in the hope that we may resolve it.

Now, you have a two-and-a-third-page document here purporting to be, or probably conceded to be, a document containing vital information out of a 15-page document; is that true?

Mr. COHN. Yes, sir.

Senator McCLELLAN. Now, I notice when it is presented here, counsel would not read it, and no member of this committee would read it, and yet it is a committee document.

If that document, or if this committee is legally entitled to it, and to the use of it, for the life of me I can't see any reason why members of the committee wouldn't read it and counsel wouldn't take it and use it.

Mr. COHN. I thought it was overcaution, sir.

Senator McCLELLAN. Don't you see that is the very problem that is presented, whether that constitutes a legal presentation, and a legal use of an FBI document or not? I thought it was a little bit significant that not a member of this committee would touch it under those circumstances.

Now, your contention is that they have a perfect right to it and to use it?

Mr. COHN. My contention, Senator McClellan—

Senator McCLELLAN. Is that correct?

Mr. COHN (continuing). Is that this committee has a perfect right and a duty to investigate instances in which the executive has failed to act on information just like that.

Senator McCLELLAN. Just answer the question.

Mr. COHN. Just like this very case that you are talking about here.

Senator McCLELLAN. Just answer the question. You know what an evasive witness is. I said this committee, do you think that this committee and the members of this committee have a right to use that document to carry out the functions of this committee?

Mr. COHN. Sir, you are talking about evasive. I am trying not to be evasive. You are asking me a question—

Senator McCLELLAN. You can answer that.

Mr. COHN. You are asking me some questions, Senator McClellan, which raise very long and complicated questions.

Senator McCLELLAN. You ought to be able to answer yes or no.

Mr. COHN. They raise long and complicated questions, sir, and some of which I am probably not even qualified to answer, and I am doing the best I can to give you the information on it. These are the type of questions and the area within which I would be over my head if I tried to give you a yes or no answer.

Senator McCLELLAN. So your contention is you don't know?

Mr. COHN. My contention is not that I don't know, sir. My contention is that it is a problem which requires a good deal of exploration. I can discuss with you individual cases, individual—

Senator McCLELLAN. I am talking about this particular case. We need not wander around. Just take this one. Are we entitled, under your theory, in your view of the law, to use that document for the full purposes and functions of this committee, or were the members of the committee right in declining to use it?

Mr. COHN. I think the members, sir, if you press me on that, I think the members of the subcommittee were perhaps overcautious in not looking at this document.

Senator McCLELLAN. You think they could have used it?

Mr. COHN. I think they could.

Senator McCLELLAN. That is all I asked you, and you could have answered that "yes" or "no."

Mr. COHN. I think there would have been no harm in the members of the committee looking at the document.

Senator McCLELLAN. Let me ask you one or two other questions, and then I am through.

I believe you said that you have had access to FBI documents heretofore.

Mr. COHN. I have, sir. That was when I was with the Department of Justice, I had.

Senator McCLELLAN. That was while you were with the Department of Justice?

Mr. COHN. Yes, while I was there; that is right.

Senator McCLELLAN. That is what I said. You did have access to them then, such as in those files that were transferred to you to carry out your official duties?

Mr. COHN. Yes, sir.

Senator McCLELLAN. You have access only in those cases where documents pertained to those cases that were assigned to you; is that correct?

Mr. COHN. No, not exactly, sir. I was for a good period of time the confidential assistant to the United States district attorney up in New York, which was the largest and busiest United States attorney's office in the country, and as such I acted for him in a good many instances.

Senator McCLELLAN. Just answer it this way. I am not trying to pin down any details. You had access to any FBI documents you wanted to while you were in the district attorney's office, and also while in the Justice Department? Is that what you are saying?

Mr. COHN. Yes, sir; any relevant to any matters pending in an office in which I was working; yes, sir.

Senator McCLELLAN. That is correct. Did you have access to them in the Rosenberg case?

Mr. COHN. I couldn't have gotten the conviction without them, sir.

Senator McCLELLAN. Did you have access to this 15-page document in the Rosenberg case? Was it a part of the file?

Mr. COHN. This one here?

Senator McCLELLAN. Yes, sir; this 15-page document that is in this case.

Mr. COHN. I have never seen it in my life, sir.

Senator McCLELLAN. It was not in the file?

Mr. COHN. No, sir.

Senator McCLELLAN. So you had no access to it?

Mr. COHN. I could not.

Senator McCLELLAN. Although it referred to some aspects of that case, you didn't have the benefit of it or the use of it?

Mr. COHN. No, sir. I believe—I don't know what the dates are. I believe that that document was prepared after the Rosenberg prosecution.

Senator McCLELLAN. You never had the use of it then or had access to it and did not see it while you were in the Department of Justice?

Mr. COHN. I never saw it in my life, and I have not seen this 15-page document to this day.

Senator McCLELLAN. You haven't seen it?

Mr. COHN. I have not.

Senator McCLELLAN. So the information in here, in the two-and-a-third page document, is information that was obtained other than any information you obtained while you were in the District Attorney's office or in the Department of Justice?

Mr. COHN. You are right, sir.

Senator McCLELLAN. You had never seen the document?

Mr. COHN. I had never seen it, sir.

Senator McCLELLAN. The fact that you had been in the Department and you had said that you had access to FBI files prompted me to ask you that question.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Because you could have had, it was highly probable that you could have had access to it while you were there in the Department.

Mr. COHN. No, sir, for this reason, Senator McClellan: I believe that we had from Director Hoover——

Senator McCLELLAN. I thought it should be cleared up.

Mr. COHN. Surely.

Senator McCLELLAN. Here was the implication. You were there in the Department and had access to FBI files. I thought you should state under oath one way or the other whether you did have access to this document or did not.

Mr. COHN. Senator, Mr. Hoover in his letter or communication to this committee made it very clear that the distribution of this particular 15-page document was, I believe, 1 copy to the Army, 1 copy to the Air Force, and the other copy stayed in the FBI.

Senator McCLELLAN. You have answered all I wanted to know. You didn't have it and didn't see it?

Mr. COHN. Senator, I am very glad to tell you under oath I never saw it in my life before I came with the committee; no, sir.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. No questions.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Just one question.

Mr. COHN. Yes, sir.

Senator JACKSON. Do you think FBI documents such as the 21¼-page document should be turned over to newspapermen?

Mr. COHN. Turned over to what, sir?

Senator JACKSON. To newspapermen.

Mr. COHN. By whom, sir?

Senator JACKSON. I am just asking. By anyone.

Mr. COHN. No; I don't, sir.

Senator JACKSON. The reason I asked, I read something in the paper that a newspaperman, at least one, had a copy of it.

Mr. COHN. Sir, you can read a lot of things in the papers. I don't know if any newspaperman had a copy of it or not. I have never seen it published anywhere.

Senator JACKSON. No. It doesn't matter whether it was published. I asked the question: Do you think that such a document labeled "Confidential"—I am referring to the 2¼-page document that was offered in evidence, that was a watered-down version of the 15-page document which was offered in evidence on cross-examination. Do you think that document, which bore the label "Confidential," which is the highest classification the FBI puts on a document, should be turned over to a newspaperman? I didn't say anything about published.

Mr. COHN. No, sir; I do not.

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. Mr. Cohn, we have been having a lot of conversation here about documents. Let's get down to this specific document. We are talking now about a 2½- or 2¼-page document which I believe could be properly described as a warning from the FBI to Army Intelligence that there were potential espionage agents in the important radar laboratory. Is that right?

Mr. COHN. Yes, sir.

Senator MCCARTHY. And one of the men mentioned in that document was Aaron Coleman. Right?

Mr. COHN. Yes, sir.

Senator MCCARTHY. The document was headed, the one we received was headed "Espionage—R," meaning "Espionage—Russian"?

Mr. COHN. Yes, sir.

Senator MCCARTHY. Prior to the time we received that document until we started to hold hearings, Aaron Coleman still had access to the radar material at Fort Monmouth; right?

Mr. COHN. Yes. He was still working at Fort Monmouth.

Senator MCCARTHY. Is it correct that one theory of defense which we have is that we build a huge radar screen, and Nike—I am not talking about anything secret—to use a machine called "Nike," or however you pronounce it. When radar picks up the enemy plane, Nike locks upon it and it fires automatically and knocks it out of the air. That is one of the developments which has been made public. We know there are many other developments which have not been made public.

Is it correct, Mr. Cohn, to assume that if there are espionage agents at Fort Monmouth, that that could well mean the loss of a war to this country?

Mr. COHN. Yes, sir.

Senator MCCARTHY. In other words, next to your atomic-bomb installations, it is pretty difficult to think of anything any more important or anything more secret than our radar experimentation and laboratories, is that right?

Mr. COHN. Yes, sir. One is the offense and the other is the defense. It is very hard to—

Senator MCCARTHY. Let me ask you this: In this 2¼-page document do you feel there was any security information?

In other words, did it give the names of any informants, any of the investigative techniques of the FBI or anything like that?

Mr. COHN. As I recall it, it did not, sir.

Senator MCCARTHY. Do you feel that this committee had an absolute duty upon the receipt of that document, which was only one of many, apparently, sent by the FBI to the Army Intelligence, that we

had a duty which we couldn't duck to proceed to expose what was referred to in that document as espionage—R, or espionage—Russian?

Mr. COHN. I thought we had a duty to go into the situation of Communist infiltration in those radar laboratories; yes, sir.

Senator McCARTHY. As far as you know, at the time we received that document, none of the individuals named in it had been suspended even though apparently it was available to all of the security officers at Fort Monmouth?

Mr. COHN. Let me answer it to you this way, Senator, the best I can without having the document before me. There were a number of people named in that document with derogatory information who are still working at the radar laboratories at Fort Monmouth and who had not been suspended but who have now been suspended since we began our investigation.

Senator McCARTHY. Let's see if I can recap the Fort Monmouth situation as you know it. I realize we have been denied the positive information from the military so we have to take it piecemeal. Is it roughly correct that over the past number of years prior to our investigation there were some 35, I believe, the figure roughly was 35, individuals who were suspended by the commanding officer, most of them found unfit to serve by the First Army Loyalty Board.

Then they appealed to the screening board in the Pentagon and almost without exception—I believe there are two exceptions—they were sent back to work in the secret radar laboratory.

Mr. COHN. Yes, sir. You were told in my presence by people high in the military that the top screening board had been almost consistently reversing the cases of people against whom there was powerful evidence of Communist activity and overruling the finding of disloyalty by lower boards and commanding officers; yes.

Senator McCARTHY. Just 1 or 2 other questions. It seems here that I find myself more or less in the role of defense attorney for Mr. Stevens, which is unusual for me, but Mr. Welch intimated that Mr. Stevens offered to "rat" on the Air Force, and rat on the Navy and offered to be a traitor to the other services. Is it not correct, Mr. Cohn, that there was no such an offer made, and that all Mr. Stevens or Mr. Adams offered to do was to give us information of what they thought was wrong-doing and that there was nothing of a ratting nature involved, and nothing that you would even remotely refer to as treason or being a traitor?

Mr. COHN. Absolutely not, sir.

Senator McCARTHY. In other words, they were offering the information which any loyal American should get?

Mr. COHN. I certainly saw nothing in there, sir, which would justify the words which Mr. Welch suggested.

Senator McCARTHY. And as a final question, would you and I agree that when Mr. Welch intimates that Mr. Stevens was trying to "rat" on the other services, that is about as unfair a thing as has been said about Mr. Stevens either in or out of this committee room?

Mr. COHN. Yes, sir.

Senator McCARTHY. I have nothing further.

Senator MUNDT. Mr. Welch or Mr. St. Clair, you have 10 minutes.

Mr. WELCH. Once more, Mr. Adams said at that interview, and I am looking at your memorandum:

There was plenty of dirt there.

Did Adams say that?

Mr. COHN. Yes, sir.

Mr. WELCH. Where did he mean there was plenty of dirt?

Mr. COHN. In these other branches of the military.

Mr. WELCH. In the Air Force and the Navy?

Mr. COHN. Yes, sir.

Mr. WELCH. And he said, "They." Who do you mean by "they"?

Mr. COHN. I would apply that to Mr. Adams.

Mr. WELCH. And Mr. Stevens. Is that right?

Mr. COHN. I would say, sir, that you are probably caught by my improper use of the pronoun there.

Mr. WELCH. You haven't used a pronoun improperly; have you, sir?

Mr. COHN. I might very well have.

Mr. WELCH. Do you want to tell us you did?

Mr. COHN. Pardon me, sir?

Mr. WELCH. Do you want to say you used an improper pronoun?

Mr. COHN. I am sure I have used a lot of them improperly.

Mr. WELCH. What do you think the word "they" refers to unless it refers to Stevens and to Adams?

Mr. COHN. I think it referred to Mr. Adams and his organization, the people who work with him. He was going to get us the information.

Mr. WELCH. And now he refers to Adams; doesn't he?

Mr. COHN. Yes, he does.

Mr. WELCH. And, "They would furnish us the leads."

Mr. COHN. Yes, sir.

Mr. WELCH. Did he say that?

Mr. COHN. Yes, sir, he did.

Mr. WELCH. Then, isn't it just this simple: He says there is plenty of dirt in the other two services. He says that; is that right?

Mr. COHN. Yes, sir.

Mr. WELCH. And "We will furnish you the leads," that is right, isn't it?

Mr. COHN. Yes, it is.

Mr. WELCH. That is precisely what they said?

Mr. COHN. It is precisely—it is certainly the substance of what they said.

Mr. WELCH. Now, Mr. Cohn, let us not duck it. If you had taken that offer, you could from then on when you wished go over to Stevens and Adams and say, "We are in the other two services, and we are going soft with you, but come on, kids, let us see the dirt and the leads."

You would have had a right to say that; wouldn't you?

Mr. COHN. I don't think we would have said it that way, sir.

Mr. WELCH. And they had promised to show you the dirt and the leads; haven't they?

Mr. COHN. Yes, I think that that is an assumption.

Mr. WELCH. And you want to say that doesn't sound to you like ratting?

Mr. COHN. Sir—

Mr. WELCH. Just tell me. Doesn't that sound to you like ratting?

Mr. COHN. No, sir, I would like to say that I can tell you what was said on that occasion and leave it.

Mr. WELCH. You just told me that they said there was plenty of dirt and they would furnish the leads?

Mr. COHN. Yes, sir.

Mr. WELCH. And now I am asking you, Mr. Cohn, as one man to another, doesn't that sound to you like ratting?

Mr. COHN. No, sir, I don't think of it that way.

Mr. WELCH. You don't think it is?

Mr. COHN. I don't think of that word.

Mr. WELCH. Mr. Cohn, will you look at page 1866 of the record, which is volume 10.

Mr. COHN. Sure, I will get it right away. Why don't you go ahead and start reading it?

Mr. WELCH. No, because I want you to look at it, Mr. Cohn.

Mr. COHN. Surely.

Senator MUNDT. Time out while we are finding the record.

Mr. WELCH. Mr. Cohn, have you the page?

Mr. COHN. Yes, sir, I have it.

Mr. WELCH. May I say, Mr. Cohn, this isn't an instance of where I am going to say now look at your testimony and compare this. This is a page where if you will look back, I think 2 pages, you will find looking at 1864—

Mr. COHN. I have looked there already. It was Senator McCarthy speaking.

Mr. WELCH. Senator McCarthy was speaking?

Mr. COHN. Yes, sir.

Mr. WELCH. And I am looking at the last full paragraph on page 1866, and I call your attention to these words, of the Senator:

I received information also to the effect—and Roy checked with me on this—that in 1949 there was a report made of the same nature from the FBI.

Did you check with the Senator on this while he testified?

Mr. COHN. Now, let me see. Can I go back a moment? What is the question, Mr. Welch?

Mr. WELCH. The question is: The Senator asked you to check with him, you notice that and he says, "And Roy checked with me on this." And you notice those words?

Mr. COHN. Yes, sir.

Mr. WELCH. Then he says that in 1949 there was a report made of the same nature from the FBI. My question to you is, Did you check with him, as he testified?

Mr. COHN. I think what happened, Mr. Welch, was the Senator turned to me and said, "Follow this and see if I am correct."

Mr. WELCH. Check with me?

Mr. COHN. Yes.

Mr. WELCH. There is no mystery about this, Mr. Cohn. Of course, we all gather from that that in 1949 there was an FBI report of the same nature; don't we?

Mr. COHN. I would say that the page shows that the point of the thing was that there were a number of warnings from the FBI.

Mr. WELCH. That is what I wanted to develop.

Mr. COHN. Yes, sir.

Mr. WELCH. There was one in 1949 from the FBI, is that right?

Mr. COHN. As far as I know, it is, sir.

Mr. WELCH. And you or the Senator have it?

Mr. COHN. No, sir, I don't think we have it.

Mr. WELCH. Well, you had at some time, did you not?

Mr. COHN. No, sir.

Mr. WELCH. Notice the next phrase, "complaining of what would appear to be espionage." Do you notice that phrase?

Mr. COHN. Yes, sir; I noticed it, sir.

Mr. WELCH. Then September 15, 1950, did you check with the Senator when he spoke those words?

Mr. COHN. I don't remember whether I did or not.

Mr. WELCH. The FBI report of that date.

Mr. COHN. Mr. Welch, we didn't have FBI reports, what I was checking against as I recall, we had some memoranda in the files giving the dates of FBI warnings, and not setting forth the details of the warnings. We had in other words I think there are two or three or four memoranda which say that in the following years, in some cases you get it exact date and in some cases the month, the FBI sent warnings to G-2 in the Army about this situation.

Mr. WELCH. All right. Now let me read this whole sentence to you, and then come back over it again, and may I, Mr. Cohn, because I have certainly got a very wrong impression from it in view of what you are now apparently saying—

Mr. COHN. I am sorry, sir.

Mr. WELCH. To go back a ways, and read for several lines. The Senator says:

Received information also to the effect—
and check with me on this—

that in 1949 there was a report of the same nature from the FBI.

Now that clearly is a reference to a 1949 FBI report, is it not?

Mr. COHN. Yes, sir; it is.

Mr. WELCH (reading):

Complaining of what would appear to be apparently espionage; and September 15, 1950, on October 27, 1950, December 1950, and again December of 1950, and again June 5, 1951, and January 26, 1951, and I believe that is the one we have here, February 13, 1951; February 19, 1952, and June of 1952, and September of 1952 and January of 1953, and April 1, 1953, and April 21, 1953. And the young man who gave me this information was deeply disturbed. That is why he gave it, because there was no action taken by the Army to get rid of the individuals after the FBI had given a complete report.

Do you read that with me?

Mr. COHN. Yes, I am right with you, Mr. Welch.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. A point of order?

Senator McCARTHY. A request to the Chair. May I request that the Chair now ask whoever is in charge, Mr. Adams or Mr. Welch, or Mr. Stevens to check the reports and see whether or not the dates that I gave are accurate, and whether or not they received warnings on those days, whether they had to do with alleged espionage at Fort Monmouth. I think that that is very important because I gather Mr. Welch here is trying to create the impression that because I did not have the documents physically in my possession, that they might not have been existent, and I think it is very important now, Mr. Chairman, to know that those documents were in existence, and if they were not in existence, the record should be clear.

I wonder if Mr. Welch wouldn't have his clients make a search and tell us tomorrow morning whether or not those dates are correct.

Mr. WELCH. I will tell you this, Senator, if there are FBI reports of the nature that you talk about and the dates you give, under my conception of the law, I will tell you nothing about them because I believe an FBI report that is marked "confidential" is confidential.

Senator McCARTHY. May I ask the Chair to do this: Mr. Chairman, will you order—

Senator MUNDT. In response to your earlier request, the Chair recalls approximately that same question was asked of either Mr. Adams or Mr. Stevens many days back in the testimony, at which time they agreed to check the files and determine whether or not those specific reports were there. They were not going to disclose their contents. They were simply going to indicate whether or not the information was in their possession.

The Chair does not know whether that request has been complied with. He says that subject to his memory. He will ask our staff to go back in the record and determine whether or not such a request was made and accepted, and if it was, then he thinks the information should be forthcoming.

Mr. COHN. Senator Mundt, this rings a bell. I did furnish, I think, a written memorandum to somebody over on Mr. Welch's staff giving the dates of these FBI communications the best I could fix them.

Senator MUNDT. The Chair believes that that question was asked and that we were told we would get the information. We will hold that in abeyance until our staff has a chance to check the record.

Mr. Welch?

Mr. WELCH. Mr. Cohn, when the Senator asked you to check with me on this, with what did you check, sir?

Mr. COHN. I think I had there, Mr. Welch—and I don't have a present recollection—I think I probably had there a memorandum which is in our files which sets forth a sort of chronology of communications between the FBI and the Army concerning the Fort Monmouth radar laboratory Communist infiltration situation.

Mr. WELCH. Did you get that from the young man who was deeply disturbed?

Mr. COHN. I believe that came to the Senator from this young man.

Mr. WELCH. The young man who was deeply disturbed?

Mr. COHN. Yes, sir.

Mr. WELCH. I may have misunderstood this record, sir.

Mr. COHN. Yes, sir.

Mr. WELCH. Did he or did he not give you some of the documents?

Mr. COHN. No. So far as I know, Senator McCarthy would have to answer this, sir. To my knowledge the only one he gave was the one we have here.

Mr. WELCH. Of January 26, 1951?

Mr. COHN. Yes. I think, as Senator McCarthy said a little earlier in what you read, I received information also to the effect that there was a report, and so on and so forth. I think, as I recall it, that he told us that on such-and-such dates, reports had been sent over, there had been communications back and forth, in which the FBI had warned about the situation of Communist infiltration at Fort Monmouth.

Mr. WELCH. When this informant gave you and the Senator the one dated January 26, 1951—

Mr. COHN. He gave it to the Senator, sir.

Mr. WELCH. He gave it to the Senator. You must have learned about it promptly?

Mr. COHN. I don't know how soon thereafter I learned about it.

Mr. WELCH. Did you learn the date of these other ones that appear in the record here?

Mr. COHN. I did learn that at some time, yes, sir.

Mr. WELCH. Did you ask this informant for those?

Mr. COHN. No, I did not.

Mr. WELCH. Did the Senator ever ask for them?

Mr. COHN. I don't know, sir.

Senator MUNDT. Mr. Welch, your time has expired.

Mr. Jenkins?

Mr. JENKINS. I pass, Mr. Chairman.

Senator MUNDT. The Chair will pass.

Senator McClellan?

Senator McCLELLAN. Mr. Cohn, just one other question to clear the record.

Mr. COHN. Surely.

Senator McCLELLAN. On page 5384 of the testimony yesterday—

Mr. COHN. Why don't you go ahead, Senator?

Senator McCLELLAN. First, I will ask you if you have any special interest in Mr. Schine?

Mr. COHN. I don't know what you mean by "special interest." He is a friend of mine.

Senator McCLELLAN. I mean in friendship or anything else which would bind you to him closer than to the ordinary friend.

Mr. COHN. Nothing. He is one of a number of very good friends whom I have. I am fortunate to have a large number.

Senator McCLELLAN. Now I want to read you this testimony on page 5384 of the record of yesterday. Mr. Jenkins, as I recall, was reading from one of the monitored calls of Senator McCaCarthy.

It is one of the few things I have seen him completely unreasonable about.

That is quoted from Senator McCarthy's telephone call, and "him" refers to you, as I understand it.

He thinks Dave should be a general and work from the penthouse of the Waldorf.

Mr. COHN. Yes, sir.

Senator McCLELLAN. Your boss testified to that. That is, that is his statement.

Mr. COHN. No, sir.

Senator McCLELLAN. Would you say that is true or not true?

Mr. COHN. No; I don't believe he has testified to that yet, sir.

Senator McCLELLAN. That is a statement that is sworn to here in the record. This is sworn testimony that he said it.

Mr. COHN. That is one statement in a lot of statements in the course of this phone conversation.

Senator McCLELLAN. You can take any of the others you want to and answer as to them. I am just asking you about that, if it is true or false.

Mr. COHN. Is it true or false that Senator McCarthy said that to Secretary Stevens?

Senator McCLELLAN. No. Is what he said true?

Mr. COHN. That I was completely unreasonable?

Senator McCLELLAN. Yes.

Mr. COHN. I will say this, sir: As I explained before, we have had discussions about staff problems, and I did make the point that I thought Schine was——

Senator McCLELLAN. Do you consider that you were completely unreasonable?

Mr. COHN. No; I did not think I was being completely unreasonable.

Senator McCLELLAN. You don't think so?

Mr. COHN. No; I did not.

Senator McCLELLAN. He says that you thought that Dave should be a general and work out of the penthouse of the Waldorf. You don't think that, do you?

Mr. COHN. No, of course not. And I never said it and Senator McCarthy never said that seriously here, sir.

Senator McCLELLAN. You mean Senator McCarthy never said that?

Mr. COHN. I never heard of a general working from a penthouse in the Waldorf.

Senator McCLELLAN. Of course. That is an exaggeration. That is an extreme. But you don't say Senator McCarthy didn't say that. It has been sworn here.

Mr. COHN. Sure he might have said it, sir. He probably did.

Senator McCLELLAN. You think that was just facetious?

Mr. COHN. I don't think it is a question of being facetious, sir. I think if you read the whole conversation you would see that it was certainly a good-natured conversation.

Senator McCLELLAN. I thought we read them all as far as we had them monitored. They read mine.

Mr. COHN. I am saying, sir, if you read the whole conversation, I think you will see that there was light talk and kidding back and forth.

Senator McCLELLAN. I realize the last part of it is facetious, but the first part of that statement wouldn't appear to be there facetious. He found you very unreasonable about Dave Schine. Isn't that true?

Mr. COHN. Senator, this was the question of finishing up the committee work. Whether I was completely unreasonable or not in thinking he had to do the work is something, sir, which I would rather have you ask Senator McCarthy about.

Senator McCLELLAN. Senator McCarthy is going to testify.

Mr. COHN. Sure.

Senator McCLELLAN. He will be subject to question on this point. I want to get your version of it before you leave the stand.

Mr. COHN. All right, sir. My testimony is that I don't think I was unreasonable in believing that he had to write these reports and finish this work; no, sir.

Senator McCLELLAN. Do you know why the statement was made that you were unreasonable?

Mr. COHN. I would imagine it was made then, sir, because Senator McCarthy thought I was unreasonable and some of this work might be done without Dave Schine. That is my interpretation; what my interpretation would be.

Senator McCLELLAN. That is all.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. I have no questions.

Senator MUNDT. Senator Jackson?

Senator JACKSON. I have no questions.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. I have no questions.

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. I have just a half-minute, Mr. Chairman. Mr. Welch, I gathered, and I am sure not purposely so, I thought was trying to create the impression that I claimed to have all of those FBI documents, the dates of which were given. He said he misunderstood the testimony, and I would suggest to Mr. Welch then that he read the request which I made at that time, and I requested at that time, as I recall, to have the Army intelligence check and see whether those were the correct dates and whether those were not FBI documents, and as I say, I am sure it is an honest mistake on your part, Mr. Welch.

But you, I fear, created the impression that I had said that we had all of those documents in our possession, which is not true. I have nothing further.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Mr. Cohn, I was misled, and is the two and a quarter page document from the FBI that we kicked around this room the only FBI confidential top secret document you or the Senator or anyone on your staff ever received?

Mr. COHN. You mean pertaining to this subject matter here, sir?

Mr. WELCH. Yes; or any FBI documents.

Mr. COHN. I can't say anyone, sir. I can say as far as I know it is the only one we received in connection with this list here, and as I understand it the fellow came in and said that there were reports on such and such years, and such and such dates, and here is one of them, or here is part of one of them, or whatever it is. I think that is the only one we got there.

Now, there have been, I think, a small number of instances in which we have received officially FBI information on matters of some little importance.

Mr. WELCH. Could I ask you, sir—strike that out. Some weeks ago, in this room, the Senator said over the radio, "I want to notify Government employees that they may bring such documents to me, and that I will never reveal their names." Do you remember that, sir?

Mr. COHN. I don't remember him saying that; no, sir.

Mr. WELCH. I could find it for you.

Mr. COHN. "Such documents" I don't believe he said that, sir, and I believe that he said Government employees bringing information concerning laxity and failure to act in the executive branch.

Mr. WELCH. In a moment, I will look up the reference, and I may slightly overstate it, but my question to you is this: Since those words went out over the radio, has there been an increase in your intake of information from informants?

Mr. COHN. Sir, you would have to ask Senator McCarthy what he has received. I frankly must admit that I have not been able to keep up to date with the subcommittee work and the investigation of Communists because all of my time has been taken up in connection

with these hearings, and so I can't tell you just what information and how much of it has come in during the past couple of weeks.

Mr. WELCH. I think it would be of some interest to know whether or not the flow of information from informants has increased or diminished or stayed constant. Is there any way to tell us since that got discussed?

Senator MUNDT. The Chair suggests you ask that question of Senator McCarthy when you have him on the stand because he would be the one who would know.

Mr. WELCH. I judge the Senator has been busy, too.

Let me ask you this, Mr. Cohn. As I understand it, and let us see if we can't get this down quite simply—as I understand it it is just this simple. If the FBI sends a top secret document to some Government department, and some employee over there sees it gathering dust, as that employee thinks for too long, do you believe, sir, they have a perfect right to bring it to the Senator or to you?

Mr. COHN. No; the answer is, it is not that simple, sir.

Mr. WELCH. I don't know why you make it difficult for me. Certainly, under certain circumstances you believe that person may bring it to the Senator?

Mr. COHN. Mr. Welch, sir——

Mr. WELCH. Can't you answer that "Yes" or "No"?

Mr. COHN. I can answer it this way: I am not concerned about the actual bringing of the document. What I am concerned about is learning of situations in which FBI information about Communists and other information about Communists is being ignored by a Government agency which is letting those Communists stay on the job, whether that is done in the form of saying, "Here is a memorandum," and here is this, or whether it is in the form of someone coming over and telling us that there are Communists over here, and the FBI and other people have been yelling their heads off about it, and no one is doing anything about it, I don't care much.

Mr. WELCH. Assume that, in the judgment of the Government employee at the receiving end, the situation in his mind is just as you now describe it, and it is time then, according to you, for him to make a copy of it and bring it over to the Senator or to you?

Mr. COHN. Not necessarily, sir.

Mr. WELCH. Why do you always qualify it? It is all right to do it then, isn't it?

Mr. COHN. Sir, what I have been trying to tell you is this: I think it is perfectly all right, and I think it is his duty——

Mr. WELCH. You have answered it. It is perfectly all right. That is good enough for me. Now, let me look at the other end of it, Mr. Cohn.

Senator McCARTHY. May I suggest that the witness be allowed to answer his question, and I don't know what he was going to say.

Mr. WELCH. He was going to say it was perfectly all right, because that is what he did say.

Senator MUNDT. Had the witness concluded his statement?

Mr. COHN. I have not, Senator.

Senator MUNDT. You may finish.

Mr. COHN. I would say, sir, that it is perfectly all right for the Government employee to tell, I think it is his duty under the law, to tell this committee about the existence of a situation in the executive

where there is covering up and laxity in acting against Communists in the executive branch. I think that much is very clear in everybody's mind.

Mr. WELCH. But the nicest, and most complete way to tell you is to bring over the FBI documents showing the date on which they received it, and the information they got; isn't that right?

Mr. COHN. Not necessarily, sir.

Mr. WELCH. Well, it is a beautiful way to do it, isn't it?

Mr. COHN. No, sir; in the Government—

Mr. WELCH. You can see the date, Mr. Cohn, of the document, can't you?

Mr. COHN. Well, sir, in the Government Printing Office—

Mr. WELCH. Can you answer that. If they bring over the document, you can see the date on which they received it?

Mr. COHN. Sure.

Mr. WELCH. And you can see the information that is involved?

Mr. COHN. Sure.

Mr. WELCH. And you can tell how long the time has been?

Mr. COHN. Sure.

Mr. WELCH. And you yourself can form some judgment as to whether the Government agency is moving too slowly or not, can't you?

Mr. COHN. That would be one factor, sir.

Mr. WELCH. So a very nice way to do it, and I don't see why you have to fence with me, is for the employee at the receiving end, when that employee thinks it has gathered enough dust, it is all right with you to get it out and dust it off and bring it to you. That is right, isn't it.

Mr. COHN. No, sir.

Mr. WELCH. Why do we have so much trouble? On the one hand—

Mr. COHN. We have trouble, Mr. Welch, because you are going, as I know you are well aware, sir, you are going into a question that is a long one and a complicated one, and I am trying to give you the best answers which I can on it. I don't want to sit here and give long answers to these questions; on the other hand, the giving of one clipped word I can't convey to you the situation as it is.

Mr. WELCH. Let us try it this way: This one surely we can agree on. As to the 2¼-page document, this much we can certainly answer directly, Mr. Cohn, may we not—as to the 2¼-page document which the Senator had in the room, as to that one, you surely felt it was time for the disturbed young man to bring it over?

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. A point of order?

Senator McCARTHY. Yes; a very important one.

Practically all the Senators here, both Democrat and Republican, have desisted from asking irrelevant questions, hoping we can get this investigation ended. Now, the issues here are very clear: Whether or not Mr. Cohn or myself or Mr. Carr exerted undue pressure upon the Army, or whether the Army tried to blackmail us out of a hearing on communism.

Now this question of documents gathering dust, and what documents had been brought over, is an interesting subject and Mr. Welch

may be able to look clever on this, but it is a vast waste of time when we have all given our time to Mr. Welch so as to expedite this.

Senator MUNDT. You may continue, Mr. Welch.

Mr. WELCH. Now, Mr. Cohn——

Mr. COHN. I have forgotten the last question, sir.

Mr. WELCH. My question was: When that 2¼-page document came over, marked at the top "Confidential," which is the highest FBI marking, is it not?

Mr. COHN. I think it was the only FBI marking, sir.

Mr. WELCH. It is top secret, isn't it?

Mr. COHN. No, sir, it is not.

Mr. WELCH. At any event, it is secret?

Mr. COHN. No, sir, it is not.

Mr. WELCH. You don't mean it was just public stuff?

Mr. COHN. It was confidential, sir.

Mr. WELCH. Confidential?

Mr. COHN. Yes, sir.

Mr. WELCH. Now, when that came over, it was all right with you to have the Senator take it, wasn't it?

Mr. COHN. I wasn't consulted on it, and I certainly think——

Mr. WELCH. It is all right with you?

Mr. COHN. Do I see anything wrong in his taking it?

Mr. WELCH. That is right.

Mr. COHN. No, I don't.

Mr. WELCH. I don't see why it takes us so long to say it.

Now let me ask you about the other thing. Suppose an employee in the FBI, watching on the other end of the deal, had seen no action, and felt that that employee wanted to tell you about it. Would that, too, have been all right with you?

Mr. COHN. Let me see if I understand that, Mr. Welch.

Mr. WELCH. Have it read to you, because it is easily understood.

Mr. COHN. Yes.

(Whereupon, the pending question was read by the reporter as above recorded.)

Senator MUNDT. The reporter will read the question. Time out.

(The reporter read from his notes as requested.)

Mr. COHN. Let me see if I understand.

Senator MUNDT. Time back in.

Mr. COHN. Mr. Welch, do you mean no action within the FBI or no action on the part of the other agency?

Mr. WELCH. No action on the part of the receiving agency.

Mr. COHN. I think in a large number of instances, sir, the FBI would not know what follow-up action had been taken by the receiving agency so the situation would not be within the knowledge of the FBI.

Mr. WELCH. Just suppose, Mr. Cohn, that at the FBI end there was a disturbed young man who felt no action had been taken, would it be all right if he brought a copy——

Mr. COHN. I don't think it could go that way, sir, because I think at the FBI end they would not know just what follow-up action——

Mr. WELCH. Suppose a disturbed young man felt that no action was being taken and brought it to you, would you accept it?

Senator MUNDT. Mr. Welch, your time has expired.

You may answer the question.

Mr. WELCH. Will you answer it?

Mr. COHN. I am saying to you, Mr. Welch, I don't think anybody in the FBI could know just what follow-up action was taken by the people in the other agency. I don't think you could have a situation such as you suggest. The way we find out, like in the Government Printing Office here, is from the receiving agency.

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. I pass, Mr. Chairman.

Senator MUNDT. The Chair will pass. Senator McClellan.

Senator McCLELLAN. Mr. Chairman, I am going to pass, but with the assumption that after the documents that Mr. Schine worked on during the time he was off from military duties for the purpose of serving this committee are made available so that there may be the opportunity for cross-examination regarding them.

Mr. COHN. Senator McClellan, you may have them right now, sir.

Senator MUNDT. The Chair would like to say he was advised by the witness as of yesterday morning that the documents are ready whenever anybody wants to ask questions about them and calls for their production.

Mr. COHN. Surely. They are available.

Senator McCLELLAN. I understood they would be available. I wasn't questioning that. But I am sure as far as I am concerned, at least, I have had no opportunity to see what has finally been submitted. When were they submitted?

Mr. COHN. We have had them ready subject to the call of the committee since yesterday morning, sir.

Senator McCLELLAN. I suggest that the committee call if it takes that to get them so we will have an opportunity to see them.

Senator MUNDT. The Chair will have them delivered at this time if that is what you wish to have.

Senator McCLELLAN. I wish you would deliver them so we have an opportunity to see them. I don't know that there are any questions I want to ask about, but I want to see what the product of those days off were.

Senator MUNDT. The Chair will ask that they be delivered to Mr. Jenkins at this time, so that any member of the committee or counsel may examine them.

Mr. COHN. You want them sent to Mr. Jenkins' office?

Mr. JENKINS. Mr. Cohn, I suggest that they be brought right in this room at this time, or at the earliest possible moment.

Senator McCLELLAN. We can't examine them here unless you want to recess these hearings.

Mr. COHN. We have them all ready.

Senator McCLELLAN. Place them somewhere, whatever they are, where they are available.

Senator MUNDT. Would it be agreeable with the Senator from Arkansas if they were delivered to the counsel's office where they would be available to all members of the committee and to Mr. Welch?

Senator McCLELLAN. Either to counsel's office or to your office.

Senator MUNDT. I prefer to have the traffic in counsel's office. We have interruptions enough down in my office without adding to the unnecessary traffic.

Senator McCLELLAN. That is entirely satisfactory. Where is the counsel's office? I want to know.

Senator MUNDT. Right down the hall, two doors from me, in the Government Operations Committee office, where Mr. Reynolds has his office.

Senator McCLELLAN. Thank you.

Senator MUNDT. Senator Dirksen.

Senator DIRKSEN. Mr. Chairman, I would like to make one observation for the purpose of clearing the record a little with respect to the FBI, and then I shall have one question to ask.

Mr. Chairman, it was in the course of a radio panel about 2 months ago, with 4 or 5 very dextrous minded reporters hurling questions at me for 30 minutes or whatever it was, that I think inadvertently I mentioned something about FBI files. I think that inadvertence of mine is one which one can easily drop into when one talks about files in one committee or another and suddenly mentions FBI files.

The strict fact of the matter is that in nearly 20 years of legislative experience I have seen only one FBI file, and that one, Mr. Chairman, I was entitled to see because it was a file on a nominee that had officially come to my attention. So if there is any inadvertence or any erroneous impression that FBI files are sliding around within the Government for all to see, so far as the Senator from Illinois is concerned, I want to correct it right now.

That is the foundation, Mr. Cohn, I think for one question. Insofar as you know from your experience in the Department of Justice over a period of time, just how available are these files throughout the Government? Are they in great quantities that are stuck here, there, and everywhere, and accessible to literally hundreds of thousands of people; or are they in the main modest in number and pretty well guarded in the first instance so that when we speak about FBI files and their availability to people it is not quite of the dimensions that one might think?

Mr. COHN. No, sir; it is not quite of the dimensions one might think. I don't think I actually ever saw an FBI file as such. The only thing you might see in the Government would be FBI reports which would be circulated officially to a certain class of people who have business concerning, who must take action on the basis of those reports, such as the one experience you had acting on a nomination, or in the case of the Government agencies acting on the basis of those reports to get the people named in them given a loyalty hearing or put out or whatever else might be the case. But they certainly are not in any wise floating around, and I have never known of any instance where the FBI or any one within the FBI has given a report or any part of it to any unauthorized person.

Senator DIRKSEN. Mr. Chairman, I can conclude this by simply saying in full justice to John Edgar Hoover that whatever files come to the committees on which I serve, are available only under an iron-clad rule so they are pretty carefully guarded, and there is some difficulty in even Members of the Senate ever seeing a file even where there may be a presumption that they are entitled to see it.

So I simply conclude by saying that in all that time I have seen exactly one file pertaining to a nominee for a Federal position.

Senator MUNDT. We have reached the seventh inning, and we will take our customary—

Senator JACKSON. May I make one comment before we do?

Senator MUNDT. Senator Jackson.

Senator JACKSON. I think, Senator Dirksen, you brought out a very important point, and I believe you may want to correct one thing in fairness to the FBI, and that is that the FBI to my knowledge has never submitted an FBI file to the Congress. They submit reports, as Mr. Cohn pointed out very properly.

Senator DIRKSEN. That is correct.

Senator JACKSON. I think we want the record that way, because of the FBI file as such would give the source of their information and would give details that we would never release beyond their own agency. I don't believe they let an FBI file even over to CIA or to the Atomic Energy Commission. I am not trying to support any case here. But during my 4 years' service on the Joint Committee on Atomic Energy we received many reports from the FBI but never an FBI file.

Senator DIRKSEN. I am afraid we have fallen into the habit of using the word "file" and "report" rather interchangeably. I certainly stand corrected by the distinguished Senator from Washington.

Senator JACKSON. We have talked a lot about files in the committee room. I guess that may have caused some difficulty. I think that should be said in fairness to the Federal Bureau of Investigation.

Senator MUNDT. We stand in recess.

(Brief recess.)

Senator MUNDT. The committee will be in order.

As we concluded for the recess, the Chair was about to recognize Senator Jackson, for he understood his previous comment was in the nature of committee business.

Senator JACKSON. I pass. That was only an observation.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I pass, Mr. Chairman.

Senator MUNDT. Senator McCarthy, have you any questions of Mr. Cohn at this time?

If not, we will be glad to go to Mr. Welch. Mr. Welch you have 10 minutes.

Mr. WELCH. I am going to ask you 1 or 2 questions, and then have some by Mr. St. Clair.

When you were on the stand the other day and I was questioning you about Mr. Schine's work product while he was at Camp Dix, you indicated to me that you thought there would be very little in the way of memoranda or perhaps none.

Did your search turn out that way, or have you found some?

Mr. COHN. We do have, sir, some notes on drafts of reports, a draft of the notes on a draft of the annual report of the subcommittee, and we have, sir, a witness, things dealing with confidential informants and witnesses, which we have in a separate folder, the names of which we will disclose to the committee and we will not make public, though.

We do have, sir, I believe, some memoranda and contents of files that were discussed by investigators with Mr. Schine which contained confidential information, and they are available to Mr. Jenkins and the committee, and we would not want those made public.

Maybe I can give you a shorter answer. I would say in the way of memoranda dictated by him, "No." In the way of notes on a draft of the annual report prepared by him, "Yes."

Mr. WELCH. Is that about the limit of it?

Senator MCCARTHY. Could I correct my chief counsel?

Mr. COHN. Sure.

Senator McCARTHY. I understood you to say that we would give the folder containing the names of confidential informants to the committee. May I say that I must correct you on that.

Mr. COHN. Yes, sir.

Senator MUNDT. Go ahead, Mr. Welch.

Mr. WELCH. The memoranda pertaining to the annual report or reports, they are separate and together; are they, Mr. Cohn?

Mr. COHN. Yes, sir.

Mr. WELCH. So they can be examined by me?

Mr. COHN. Surely.

Mr. WELCH. At 5 o'clock?

Mr. COHN. Surely, sir.

Mr. WELCH. O. K. Mr. St. Clair will ask you some questions.

Senator MUNDT. They will be delivered to Mr. Jenkins' office.

Mr. COHN. They are there already.

Mr. ST. CLAIR. The name of Aaron Coleman has been mentioned many times in these hearings, and I don't know whether or not you testified to this, but it is a fact, is it not, that Aaron Coleman's clearance for security reasons was lifted in January of 1952? Isn't that correct?

Mr. COHN. As I understand it, I know it was one of General Lawton's first acts on becoming commanding general, and his predecessor refused to do it and he had done it.

Mr. ST. CLAIR. And so that he had no clearance at all from January 1952 until today, as far as we know?

Mr. COHN. No; but he was still working out at Fort Monmouth.

Mr. ST. CLAIR. Well, actually, he was working in a building that wasn't even on the post at Fort Monmouth; isn't that the fact?

Mr. COHN. I don't know that, sir.

Mr. ST. CLAIR. You don't know that?

Mr. COHN. No, sir.

Mr. ST. CLAIR. You know he was working in a building that wasn't at all guarded?

Mr. COHN. No; I don't know that either.

Mr. ST. CLAIR. You didn't know that?

Mr. COHN. No, sir.

Mr. ST. CLAIR. But you are reasonably clear that this man had no clearance whatsoever from January 1952 on?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. And you know that the acts with which he had been charged had been committed several years prior to the Secretary Stevens' administration of the Army; do you not?

Mr. COHN. But the acts had been committed.

Mr. ST. CLAIR. Yes.

Mr. COHN. Certainly most of them had, sir, and I am just wondering whether there wasn't one thing that had occurred. I would say they had occurred prior to Mr. Stevens' administration.

Mr. ST. CLAIR. And several years prior to that?

Mr. COHN. Yes; the most recent thing which I recall is the interview he had with the FBI in which he admitted to us he had not been truthful, to the FBI.

Mr. ST. CLAIR. When was that?

Mr. COHN. That, I think, was 1951 or 1952, and it would be before Mr. Stevens' administration, and you would be right, sir.

Mr. ST. CLAIR. That is correct; and Mr. Stevens took office as Secretary of the Army, I believe, in February of 1953.

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Now, I would like to talk with you, Mr. Cohn, a little bit about the Fort Monmouth investigation. It is quite a complicated subject, is it not?

Mr. COHN. Yes; it is, sir.

Mr. ST. CLAIR. You stated, I believe, that your preliminary investigation started in early spring of 1953?

Mr. COHN. Around that period of time.

Mr. ST. CLAIR. And, as I believe, your first hearings were actually held commencing October 8, 1953?

Mr. COHN. Are you drawing a distinction between Fort Monmouth physically and the Army Signal Corps?

Mr. ST. CLAIR. We will get to that in a moment, but the first hearings at Fort Monmouth were on October 8, 1953, is that right?

Mr. COHN. I would say yes, sir.

Mr. ST. CLAIR. On August 30, you held a hearing which involved an employee of the Signal Corps, isn't that correct?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. That employee was employed as a guard in Long Island, N. Y., was he not?

Mr. COHN. He was a security guard.

Mr. ST. CLAIR. That is correct, in Long Island, N. Y.?

Mr. COHN. At the Signal Corps Photographic Laboratory.

Mr. ST. CLAIR. That is correct. And now as I understand it, Mr. Cohn, you in substance state that since we interrogated a guard at an installation of the Signal Corps in Long Island, N. Y., we are responsible for all suspensions that were made by the Army following that date; is that correct?

Mr. COHN. No, sir.

Mr. ST. CLAIR. Certainly, if the Army Signal Corps in California had suspended any security risks, you would not claim credit for those, would you?

Mr. COHN. I know of no instances in which we——

Mr. ST. CLAIR. Just answer the question. Would you?

Mr. COHN. Would we claim credit for those?

Mr. ST. CLAIR. Yes.

Mr. COHN. No, sir.

Mr. ST. CLAIR. So that because——

Mr. COHN. Unless we had investigated them particularly, in that situation.

Mr. ST. CLAIR. Would you like to finish?

Mr. COHN. I say I know of no situation in California involving the Army Signal Corps which we had investigated; no, sir.

Mr. ST. CLAIR. Well, insofar as the Army was concerned, and insofar as you know, the Army didn't know about the Fort Monmouth investigation until early in October, isn't that correct?

Mr. COHN. No; that is wrong, sir. They did know.

Mr. ST. CLAIR. Are you sure of that?

Mr. COHN. I am positive.

Mr. ST. CLAIR. When do you think Secretary Stevens first learned of the impending Fort Monmouth investigation?

Mr. COHN. I know that he knew it as of September 16.

Mr. ST. CLAIR. Are you sure of that?

Mr. COHN. I am dead positive.

Mr. ST. CLAIR. You had a conference with him, Mr. Cohn, on October 2 in his office, did you not?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. What was the subject matter of that conference?

Mr. COHN. There were 2 or 3 things discussed. The thing dealing with Fort Monmouth, which I assume you want me to talk about, Mr. St. Clair, was this—

Mr. ST. CLAIR. My question at the moment is simply: What was the subject matter of the discussion? You can go beyond that if you care to, but it is not contemplated by the question I asked you.

Mr. COHN. Fort Monmouth, General Partridge, Communist literature, personnel in Army Intelligence, Dave Schine.

Mr. ST. CLAIR. The memorandum of that date which Mr. Frank Carr is said to have written refers, however, to the fact that you met with Secretary Stevens to discuss General Lawton at Fort Monmouth and his blackout order, isn't that correct?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Isn't it true, sir, that the principal subject discussed at this conference on October 2 was Fort Monmouth?

Mr. COHN. I think you are right. I think it was.

Mr. ST. CLAIR. That is right. This was a conference that was made as a result of a request for an appointment by you, isn't that correct?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. We had some telephone conversations about that yesterday, didn't we?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. I call your attention to the transcript of a telephone conversation on the 25th day of September 1953. I don't know whether you have copies of these or not, but I assure you I will endeavor to read them accurately.

Mr. COHN. I am sure you will.

Mr. ST. CLAIR. I am going to read only the portion of it that I think is material. Perhaps others will differ. But I am sure I will be fair enough about it. In part of that conversation, Mr. Cohn, you said in substance—no, you said in fact:

There is a new situation involving a part of your thing that I will tell you about when I see you that looks pretty bad. I know they are trying to cover up so you won't even know about it.

In all fairness, Mr. Cohn, that new thing was the Fort Monmouth investigation.

Mr. COHN. No, sir; it was not.

Mr. ST. CLAIR. It was not?

Mr. COHN. No, sir.

Mr. ST. CLAIR. You did say that you would talk with him when you saw him?

Mr. COHN. I did, sir.

MR. ST. CLAIR. On the 30th day of September, again I will read to you, sir, a portion of the transcript of that telephone call:

MR. COHN. Two things. No. 1, that thing I told you about, I will probably be ready to tell you about in a day or so. It is a pretty big situation. I will check the final word on it tonight.

Again, Mr. Cohn, in all fairness, what you were talking about at that time was the Fort Monmouth investigation, was it not?

MR. COHN. To this extent, Mr. St. Clair: It was not the fact that we were investigating Fort Monmouth. Mr. Stevens knew that. It was an aspect of that investigation.

MR. ST. CLAIR. You say Mr. Stevens knew that, Mr. Cohn, but I will read to you again a portion of your telephone conversation with him:

I will probably be ready to tell you about it in a day or so.

This was September 30, was it not, Mr. Cohn?

MR. COHN. Yes, sir.

MR. ST. CLAIR. I think I will summarize the rest of it. You asked for an appointment, and then in substance you said, "Is Friday a good day"?

MR. COHN. I remember that.

MR. ST. CLAIR (reading).

Why don't I call you tomorrow and make an appointment for Friday? You see, tonight this other thing should crystallize, and I possibly should get an accumulation of things to talk to you about.

As a result of that, you had a conference on Friday with the Secretary, which was October 2, in which you discussed the Fort Monmouth situation. Isn't that right?

MR. COHN. That is right, sir.

MR. ST. CLAIR. Do you still say, Mr. Cohn, that you told Secretary Stevens for the first time as early as September 16 that you were going to Fort Monmouth?

MR. COHN. It might have been before that. I know we talked about it on September 16.

MR. ST. CLAIR. But you were pretty vague about it and were not going to talk much on the phone on September 30.

Senator MUNDT. Your time has expired, Mr. St. Clair. You may answer the question.

MR. COHN. Mr. St. Clair, we are talking about two different things. When I talked to Mr. Stevens on the 16th—and it might have been before that—we had discussed the Fort Monmouth investigation with Mr. Stevens. What I was talking about over the phone and what I talked to him about in person was a specific situation which had developed in the course of that investigation on which I thought, he felt, I hoped, he was going to take some action, which he did.

Senator MUNDT. Mr. Jenkins?

MR. JENKINS. I pass, Mr. Chairman.

Senator MUNDT. The Chair will use part of his 10 minutes to distribute to the press now, Mr. Beckley, these executive sessions which have arrived, and to the young man who will take them for the radio.

All the committee members have them, Mr. Welch has them, Senator McCarthy has them. The Chair will retain copies for absentee members.

If you will do that as quietly as possible, we will continue with the hearings.

Senator McClellan, have you any further questions at this time?

Senator McCLELLAN. Only one other question, I believe, at this time.

Mr. Cohn, there have been statements published and certain statements have been made around here by members of the press, I believe, that they have seen this 2½ page document. Did you release it to the press?

Mr. COHN. No, sir.

Senator McCLELLAN. Do you know how they got it?

Mr. COHN. No, sir.

Senator McCLELLAN. How many copies of it did you have in your file?

Mr. COHN. I think there was just the one. I think after that, Senator McClellan, probably additional copies were made, because I know we gave one to somebody on Mr. Jenkins' staff. I don't know how many were made after that.

Senator McCLELLAN. Then if some member of the press does have it and did get it, it had to come from this original document of yours, did it not?

Mr. COHN. I don't know, sir. I know I didn't give it to them.

Senator McCLELLAN. Do you know any other way they might have gotten hold of it?

Mr. COHN. I don't know how they got hold of it, if they did get it. I don't know that they did.

Senator McCLELLAN. Isn't that one of the dangers of getting this secret information, that it gets out to the public?

Mr. COHN. I don't know it did, sir.

Senator McCLELLAN. You don't think that is any danger?

Mr. COHN. I know of no instance in which this information got out to the public. I will say this, sir: There is nothing in this particular document, I would say, sir, that could not go out.

Senator McCLELLAN. It is confidential. That is all I want—

Mr. COHN. I don't think there is anything in that part that we had that couldn't go out to the public. I don't know that any went to the public. We certainly did not release it.

Senator McCLELLAN. You don't know about that?

Mr. COHN. No, sir.

Senator McCLELLAN. You don't know about it? You hadn't read about its being in the hands of the press, any member of the press? Did you read that article?

Mr. COHN. Yes; I think there was some discussion here. I think Senator Symington and Senator Jackson—

Senator McCLELLAN. I am not talking about what they said. I am talking about: Did you read an article in the press—

Mr. COHN. I don't think I read—

Senator McCLELLAN. That a member of the press had a copy of it—

Mr. COHN. I don't think I read the article.

Senator McCLELLAN. And discussed it with Mr. Hoover personally?

Mr. COHN. I remember the colloquy about that yesterday.

Senator McCLELLAN. I am not talking about the colloquy. I am talking about an article in the paper.

Mr. COHN. I did not read that particular article.

Senator McCLELLAN. You don't know about it?

Mr. COHN. Yes; I know about it from the colloquy I heard here. I did not read that particular article.

Senator McCLELLAN. You didn't know that that member of the press had it?

Mr. COHN. I did not know that he had it. If he says he had it, I assume he did have it.

Senator McCLELLAN. That is all.

Senator MUNDT. Senator Dworshak, any questions at this time?

Senator DWORSHAK. No questions.

Senator MUNDT. Senator Jackson?

Senator JACKSON. No questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. No questions.

Senator MUNDT. Senator McCarthy?

Senator MCCARTHY. No questions.

Senator MUNDT. Mr. Welch or Mr. St. Clair, either one, you have 10 minutes.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Getting back to the question at Fort Monmouth, Mr. Cohn, one of the reasons why you called there was to get the so-called blackout order lifted that General Lawton had placed on all the personnel at Fort Monmouth; isn't that correct?

Mr. COHN. That is roughly it, sir.

Mr. ST. CLAIR. That was the first time you had approached the Secretary or anybody other than General Lawton to get that blackout order lifted; isn't that correct?

Mr. COHN. That is the first time I directly had; yes, sir.

Mr. ST. CLAIR. Or anybody on your staff, as far as you know?

Mr. COHN. No. I think that members of our staff had made inquiries elsewhere, sir.

Mr. ST. CLAIR. James Juliana had called on General Lawton and had been told he wasn't going to get anything; isn't that right?

Mr. COHN. I don't recall that, sir.

Mr. ST. CLAIR. That is the subject, in substance, of this memorandum of October 2, is it not?

Mr. COHN. Let me look at it.

Mr. ST. CLAIR. I will read it to you.

Jim Juliana had been advised by Colonel Allen that he couldn't talk with anyone—

Mr. COHN. Yes.

Mr. ST. CLAIR (continuing):

Because of an order by General Lawton forbidding talking to the McCarthy committee.

Mr. COHN. That is right.

Mr. ST. CLAIR. It was an order of General Lawton, right?

Mr. COHN. I don't think the order came directly from General Lawton.

Mr. ST. CLAIR. The memorandum so states, does it not, Mr. Cohn?

Mr. COHN. It says because of an order by General Lawton; yes, sir.

Mr. ST. CLAIR. The Secretary lifted up the telephone and countermanded that order, did he not?

Mr. COHN. Yes, sir. The way it happened——

Mr. ST. CLAIR. I didn't ask you that. I just asked you if he didn't countermand it.

Mr. COHN. It wasn't a question of countermanding General Lawton.

Mr. ST. CLAIR. In any event he instructed General Lawton to give you anything you wanted within security regulations?

Mr. COHN. I don't know what he said, sir.

Mr. ST. CLAIR. You were there?

Mr. COHN. Yes; but I could only hear one end of the conversation.

Mr. ST. CLAIR. I didn't ask you if that wasn't what the Secretary said.

Mr. COHN. What I heard was this, Mr. St. Clair: You are right, the Secretary said let them talk to witnesses. That is perfectly all right. Then there was a long, long silence, 2 or 3 minutes, in which General Lawton was doing the talking apparently asking the Secretary "Can I give them this, can I tell them that." And when he was finished I recall Mr. Stevens saying, "No; I didn't say that. Don't tell them that. Don't give them that," things along those lines. Mr. Carr and I looked at each other and gathered from that that whereas at the beginning the conversation sounded pretty good, the end sounded as though we weren't going to get very much.

Mr. ST. CLAIR. Is that your testimony, Mr. Cohn?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Well, now, at the beginning of the memorandum it says that General Lawton wasn't going to give you anything; is that right? Just answer the question.

Mr. COHN. General Lawton. The memorandum speaks for itself.

Mr. ST. CLAIR. I thought so, too, and the last paragraph of the memorandum is as follows, is it not:

I think that you should know that Mr. Stevens was very helpful and certainly indicated that he had no intention of allowing General Lawton to place his blackout of Army personnel re their possible contact with this committee.

Mr. COHN. That is right.

Mr. ST. CLAIR. That is a fair statement of what went on, isn't it?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. There is no indication there that the Secretary was being at all uncooperative, is there?

Mr. COHN. No; the Secretary had said with reference to talking to witnesses, which is the obstacle we had run into at that particular moment, and I would make that very clear, he said that it was perfectly all right for us to do that and we told him other departments had allowed us to, and he called General Lawton and said, "General, as far as I am concerned, it is perfectly all right if they want to talk to people on your post, people who work there."

Mr. ST. CLAIR. How do you want to leave it, Mr. Cohn, that the Secretary called on the telephone, and then offered cooperation, and took it back, or do you want to leave it as this memorandum at least does to me, that the Secretary was very cooperative?

Mr. COHN. If you produce the monitored call which we have asked for——

Mr. ST. CLAIR. Just answer the question.

Mr. COHN. If you produce the monitored call which we asked for, we would know the answer without any speculation on my part.

Mr. ST. CLAIR. All right, sir, I will only ask you what your testimony is.

Mr. COHN. My best testimony to you is that Mr. Stevens did say, to General Lawton, that the general had authority to let us talk to his people, and I have the very strong impression, from sitting in this room, that there were other things which General Lawton asked if he could do for us, that Mr. Stevens told him he could not do for us. And if you would produce that monitored call, we would know the answer to it very quickly.

Mr. ST. CLAIR. So that when Mr. Carr says in the memorandum, Mr. Stevens was very helpful, you don't necessarily agree with that?

Mr. COHN. I would like to look at the monitored call first.

Mr. ST. CLAIR. Just answer, do you agree with the statement made by Mr. Carr that Mr. Stevens was very helpful?

Mr. COHN. Insofar as letting us talk to witnesses, the answer is "Yes." Insofar as what he was keeping from us, I can't know that until you show us the monitored call, and I can hear what General Lawton was ordered not to give us.

Mr. ST. CLAIR. Well, it is a very complicated subject and I will pick that up in a moment. It is of some importance, and you and I both realize this, as to just when the Fort Monmouth investigation started, isn't it?

Mr. COHN. I know when it started, sir.

Mr. ST. CLAIR. You know when it started; is that right?

Mr. COHN. Yes.

Mr. ST. CLAIR. Well, you do also know that the Army suspended several employees, in the last week of September, don't you?

Mr. COHN. I don't know the dates. I certainly take your word for it.

Mr. ST. CLAIR. Well, I don't know the exact dates either but there were 5 or 6 suspensions, in the last week of September.

Mr. COHN. Yes; I think that you are right.

Mr. ST. CLAIR. And so it would be nice if you do say that you started your investigation of Fort Monmouth prior to that date; wouldn't it?

Mr. COHN. The fact is that we did, sir.

Mr. ST. CLAIR. I understand, and you base that on the fact that you interrogated at a hearing an employee of the Signal Corps in Long Island, N. Y.?

Mr. COHN. No, sir; we do not. There are other facts which I will be glad to tell you about. We had talked to Monmouth employees, long prior to the first suspensions.

Mr. ST. CLAIR. Is that right?

Mr. COHN. Yes, sir; that is right.

Mr. ST. CLAIR. Then, why was it necessary to call upon Secretary Stevens to get the blackout order lifted, Mr. Cohn?

Mr. COHN. Because the second time we went back to one of the employees who had talked to us freely the first time, he said something had happened, and there was a blackout order and he was no longer permitted to talk freely to us.

Mr. ST. CLAIR. Are you suggesting that General Lawton was first open with you and then closed the door on you?

Mr. COHN. I am suggesting, sir, and it is only my opinion here, that they were first open with us and then something happened, and

General Lawton was told that his people could not talk to us, and that the second time we tried to talk to witnesses who had been free before, they were no longer free. And then I went down and asked Mr. Stevens why that happened.

Mr. ST. CLAIR. In any event, you want to state that you first started the Fort Monmouth investigation on August 30, when you interrogated a guard at Long Island?

Mr. COHN. No, sir; it started long before that.

Mr. ST. CLAIR. Well, I understand that you say that you started your preliminary investigation in February or March, isn't that right?

Mr. COHN. I would say the spring, sir; yes, sir.

Mr. ST. CLAIR. All right, the spring. But that is something that is not known to the world, is it?

Senator McCARTHY. Mr. St. Clair, if we can interrupt, if we can save some time, Mr. Chairman, if this cross-examination is to determine whether or not the committee or someone else should get credit for the suspension of a bunch of Communists, I would be glad to concede that someone else should get credit for it. I don't care who gets credit for it. I think that we should get down to the issues in this case. I know the Chair can't order those questioning to do that, but if there is any stipulation I can make that will cut down this questioning, I will be glad to make it. This all seems to me a question of who shall get the credit for getting rid of the 35 individuals, with Communist records at Fort Monmouth. If that will make Mr. St. Clair happy, if we can get rid of this line of questioning, I will be glad to stipulate that anyone whom he will name can get the credit for the suspensions of those individuals with Communist records.

Senator MUNDT. Proceed, Mr. St. Clair, and perhaps that will be helpful. I don't know.

Mr. ST. CLAIR. You recognize, as I do, that in this room the charge has been made that the Army was derelict in their duty in getting rid of these security risks. You recognize that, don't you?

Mr. COHN. I do, sir.

Mr. ST. CLAIR. As a matter of fact, there have been several statements made to the effect that the Army had ignored FBI warnings over a period of years, isn't that right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Well, I am very uninitiated in this business, Mr. Cohn, but I had understood the FBI does not issue documents entitled "Warnings," and as a matter of fact they make no evaluations, do they?

Mr. COHN. They don't; I have never seen anything labeled "warning." When we use that word, sir, if the FBI sent over a communication to the Army saying:

You have working in secret laboratories at Fort Monmouth in New Jersey people on whom we have the following information: (1) That they were associates of atom spy Julius Rosenberg; and (2) that they had been swiping papers—and so on and so forth, I would consider that a warning, sir.

Mr. ST. CLAIR. You would?

Mr. COHN. Yes, sir; I would.

Mr. ST. CLAIR. I would agree with you but at least it is not entitled "FBI warning," but it is simply a recital of facts.

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. To be evaluated by the recipient?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Now, you learned, did you not, during the course of these hearings that Secretary Stevens had requested the FBI to make a full-scale investigation of Fort Monmouth in April of 1953?

Mr. COHN. I heard Mr. Stevens say that.

Mr. ST. CLAIR. And you believe it, don't you?

Mr. COHN. That they asked the FBI to do it then?

Mr. ST. CLAIR. Yes.

Mr. COHN. Sure.

Mr. ST. CLAIR. Well, now, that would be a matter of what, 2 months after he came into office?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Now, Mr. Cohn, let me put it to you, do you consider that Secretary Stevens ignored any FBI warnings, in view of that fact?

Mr. COHN. Mr. Stevens personally, sir?

Mr. ST. CLAIR. Yes.

Mr. COHN. As long as I can't tell you whether Mr. Stevens knew about this situation personally, I certainly cannot in conscience say that he ignored warnings. I would first have to know if they were called to his attention.

Mr. ST. CLAIR. Now, if he asked the FBI to make a full-scale investigation, that is about the best thing he could do, isn't it?

Mr. COHN. No, sir; not at that point.

Mr. ST. CLAIR. It isn't?

Mr. COHN. No, sir.

Mr. ST. CLAIR. Well, it is something that you would certainly recommend, isn't it, Mr. Cohn?

Mr. COHN. No, sir.

Mr. ST. CLAIR. Just answer the questions.

Mr. COHN. No; the answer is "No."

Mr. ST. CLAIR. You wouldn't recommend it?

Mr. COHN. Mr. St. Clair, that is just not the situation in this case.

Mr. ST. CLAIR. If you were the Secretary of the Army, and you thought that you had a situation at Fort Monmouth, wouldn't it occur to you that a nice thing to do would be to ask the FBI to investigate it?

Mr. COHN. The first thing I would try to do is find out if the FBI had already investigated it, and give me sufficient information on which to act. If they had done that, writing them another letter and saying investigate it again probably would mean another delay of 6 months before any action were taken.

Mr. ST. CLAIR. Some of the information was a little stale, wasn't it, Mr. Cohn?

Mr. COHN. It is very hard to say that information about the connections with Communists is stale.

Mr. ST. CLAIR. In any event, if Mr. Stevens asked the FBI to make a full-scale investigation within a matter of 2 months from the time he took office, you don't think that that was a bad thing to do, do you?

Mr. COHN. I think, sir, that probably it was an unnecessary thing to do if the FBI had made such an investigation already and was on record about it. All that the Army had to do was act on the basis of the results.

Senator MUNDT. Mr. St. Clair, the time has expired.

Mr. JENKINS, you have 10 minutes.

Mr. JENKINS. I pass.

Senator MUNDT. The Chair will pass.

Any Senators on my left?

Sensors on my right?

Senator McCarthy.

Senator McCARTHY. I have just one question.

The job of investigating, Mr. Cohn, communism and subversion and dishonesty in the military, would include Fort Monmouth, and that would normally be the job of G-2, is that right?

Mr. COHN. There is no doubt about it, this was a G-2 responsibility, and not an FBI responsibility, in the main.

Senator McCARTHY. And we discussed in some detail, did we not, the report which indicated that G-2 was quite badly infiltrated by Communists?

Mr. COHN. Yes, sir; I am aware of that report.

Senator McCARTHY. And we had General Partridge before us, as head of G-2, and he admitted that he knew practically nothing about the Communist movement, is that right?

Mr. COHN. I think that is a very fair characterization of his testimony; yes, sir.

Senator McCARTHY. So that you had a very unusual setup here, where you have the Secretary of the Army not utilizing his own intelligence agency, namely G-2, but asking the FBI to do what should be done by the Army Intelligence?

Mr. COHN. Yes, sir.

Senator McCARTHY. Don't you think that that might need a bit of explanation as to why he didn't have enough confidence in his own intelligence agency, and he had to call upon the FBI?

Mr. COHN. There is definitely a situation there. Senator, and you are very correct. This was primarily a G-2 responsibility, and it should have been handled within the Army, and I would say, sir, since the matter has been brought up there was an element of trying to pass the buck in this case. I am sure that there was sufficient information on the basis of which the Army could have taken action, without any further investigation from the FBI.

Senator McCARTHY. In other words, is this correct, Mr. Cohn, that as far as we know there was sufficient information in the files to immediately take action against certain individuals in the secret radar laboratories, and that on the surface it would appear to be rather a phony action to try to pass the buck on to the FBI, I might say in that connection I doubt very much that Mr. Stevens himself knew that was being done. But there is no reason for that except to again hang on the coattails of Mr. Hoover, and I may say that over the past 26 or 29 days I think Mr. Hoover's shoulders must be getting awfully lame with the number of people who have been putting all of their weight upon his coattails.

That is all, Mr. Chairman.

Senator MUNDT. Mr. St. Clair or Mr. Welch, you have 10 minutes.

Mr. ST. CLAIR. Mr. Cohn, I don't like to engage in verbal arguments with the Senator, but the coattails of J. Edgar Hoover are pretty good coattails to hang onto, aren't they, in this business?

Mr. COHN. I can think of none better, sir.

Mr. ST. CLAIR. So you don't really condemn the Secretary for calling in the FBI at Fort Monmouth in April, do you?

Mr. COHN. I don't know if he called them in, sir.

Mr. ST. CLAIR. He testified he did.

Mr. COHN. Did he say he directed it, sir?

Mr. ST. CLAIR. Yes. I will give you the page and the verse on it tomorrow morning.

Mr. COHN. I didn't know whether he meant it was a personal action or whether he signed a letter written by somebody in his organization over to the FBI.

Mr. ST. CLAIR. You don't condemn G-2 in the Army for cooperating with the FBI, do you?

Mr. COHN. Sir, you know very well I don't condemn anybody for cooperating—

Mr. ST. CLAIR. That is right. I thought you did. I thought we could agree on a few things, and that is one of them.

As a result of—

Senator McCARTHY. May I interrupt, Mr. Chairman, again?

Senator MUNDT. Have you a point of order?

Senator McCARTHY. To move a little more weight from Mr. Hoover's coattails, Mr. St. Clair talks about cooperation between G-2 and the FBI. It would seem to me that when the FBI sends over to Army Intelligence repeated reports indicating, and I quote, "Espionage-R," meaning "Espionage-Russian," and no action is taken until this committee calls hearings—that may be Mr. St. Clair's idea of cooperation—

Senator MUNDT. The Chair does not not believe that is a point of order.

Senator McCARTHY. That is not my idea of cooperation.

Senator MUNDT. You may continue, Mr. St. Clair.

Mr. ST. CLAIR. Thank you, Mr. Chairman.

You learned also that following the request that the FBI make a full-scale investigation at Fort Monmouth, the first suspension took place around the middle of August of 1953; did you learn that?

Mr. COHN. I know that on the mimeographed sheet submitted here, they listed one suspension, I think August 19. I don't know of any of the details of that suspension.

Mr. ST. CLAIR. At least as to that one, that was before you interrogated the guard on Long Island?

Mr. COHN. That was before we interrogated the guard. It was after we commenced the investigation at Fort Monmouth.

Mr. ST. CLAIR. I understand. To put this thing in its proper perspective, you know and I know that President Eisenhower changed the rules of the game in April, do you not?

Mr. COHN. Yes, sir. There was a new Executive order.

Mr. ST. CLAIR. That is right. Whereas before April 1953, doubts as to the security risks of a person were resolved in favor of the person, after that date they were resolved in favor of the Government; is that correct?

Mr. COHN. I will take what you say on that.

Mr. ST. CLAIR. This is your business, Mr. Cohn. I am just an interloper. Isn't that true?

Mr. COHN. It is not quite that simple, sir.

Mr. ST. CLAIR. I know it is oversimplified, but substantially that is it, isn't it?

Mr. COHN. That is a part of it, sir.

Mr. ST. CLAIR. So it would be almost a logical thing to do to review the files of Fort Monmouth to see if the change in the rules would require further suspensions which prior to that date might not have fitted the bill, isn't that right?

Mr. COHN. There is certainly no complaint about them having been reviewed, sir.

Mr. ST. CLAIR. As a matter of fact, Mr. Cohn, you don't have any complaint about Secretary Stevens' handling Communists in the Army, do you?

Mr. COHN. That is a very broad question.

Mr. ST. CLAIR. It is, but let's see if you can answer it.

Mr. COHN. As far as handling individual Communists or anything along those lines are concerned, I am sure that Mr. Stevens was anxious to get them out.

Mr. ST. CLAIR. Just as anxious as you were?

Mr. COHN. I am sure of that, sir. When you get down to the question of the Peress case and things along those lines, I feel that Mr. Stevens has probably been imposed on by people who are advising him that it is smart to keep from this committee the names of the people who are responsible for the coverup of the Peress case. I would on my level respectfully disagree with what has been done there. I am sure Mr. Stevens has no use for Communists.

Mr. ST. CLAIR. Thank you for that.

Secretary Stevens told you and the Senator and the country that he would furnish those names, did he not?

Mr. COHN. I am still waiting for them, sir.

Mr. ST. CLAIR. I didn't ask you if you are still waiting. He said he would furnish them, didn't he?

Mr. COHN. He has been saying it for many months, sir.

Mr. ST. CLAIR. All right. You believe him when he says he will furnish them? Don't you?

Mr. COHN. I would very much like to.

Mr. ST. CLAIR. You know that Mr. Jenkins has them?

Mr. COHN. But they are in a sealed envelope and he can't show them to me.

Mr. ST. CLAIR. You know Mr. Jenkins has ruled that that case is another case, and we are not going to try the Peress case here, don't you?

Mr. COHN. I say this, Mr. St. Clair——

Mr. ST. CLAIR. Don't you know that?

Mr. COHN. If you tell me that those names will be made public and we can go into it as soon as this investigation here is over, I would be very much pleased.

Mr. ST. CLAIR. I wish I had enough authority, but just a minute; I will ask the man to my left.

(Mr. St. Clair and Mr. Welch conferring.)

Mr. ST. CLAIR. As far as we know, the answer is "Yes," but all I am going to say is this: The names have been delivered to the counsel——

Senator McCARTHY. Could I interrupt there? Do I understand counsel for the Army has no objection to having Mr. Jenkins turn—

Senator MUNDT. The Chair doesn't believe that was the question. The question was whether or not, after these hearings had been concluded, the names would be released to the public, to the regular committee; and he understood Mr. St. Clair and Mr. Welch to say they believed the answer to that question was "Yes."

Senator McCARTHY. Mr. Chairman, I would like to get it for the record. I am not asking that the names be made public. Do I understand now Mr. Welch to say, as attorney for the Secretary of the Army, that he has no objection to that envelope being turned over to the regular Investigating Committee?

Mr. WELCH. Here is what I can and do say about it: The envelope containing the names has been turned over to counsel for this committee. There is no intention or notion of withdrawing those names. They are in the hands of the committee.

If and when the committee takes up the investigation of the Peress case, it will be for the committee to decide then what they do about the envelope with the names in their possession.

Senator MUNDT. Proceed, Mr. St. Clair, and that colloquy will not be taken out of your time.

I will ask the timekeeper to give him approximately one additional minute.

Mr. ST. CLAIR. Just one more question, then.

You recognize, Mr. Cohn, as I do, that if we were to try the Peress case here, we would be here for several days?

Mr. COHN. We might very well be, sir.

Mr. ST. CLAIR. Thank you.

Through the month of October you held hearings on Fort Monmouth, did you not?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. And through November?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. And part of December?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. I think you have testified here that in substance you have no doubt that Secretary Stevens and Mr. Adams did everything they could, in substance, to get you to stop that investigation; isn't that right?

Mr. COHN. They wanted us to stop it, sir.

Mr. ST. CLAIR. They wanted you to stop it, and they expressed that desire to you, did they not? Is that your testimony?

Mr. COHN. It is, sir.

Mr. ST. CLAIR. Did they do anything about getting you to stop it?

Mr. COHN. They asked us to stop it.

Mr. ST. CLAIR. I think you went further than that, didn't you, Mr. Cohn? You said they started to break generals and do everything else to get you to stop it, is that right?

Mr. COHN. I think that—yes, I think that the action taken with respect to General Lawton certainly was not designed to encourage us in our investigation.

Mr. ST. CLAIR. And there were other instances of acts that Mr. Adams and Mr. Stevens did to try to get you to stop, is that right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Are you sure about that?

Mr. COHN. Yes; I am going through my mind. I think of a few things.

Mr. ST. CLAIR. Just a few things?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Then their efforts weren't very great, were they, Mr. Cohn?

Mr. COHN. It is very hard for me to characterize, Mr. St. Clair.

Mr. ST. CLAIR. Now you state just a few things that they did, is that right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Any act that they did to get you to stop the hearings on Fort Monmouth would be an act of uncooperation with you, wouldn't it? I think that is a poor choice of words, but if they tried to get you to stop the investigation they certainly were not cooperating with you, were they?

Mr. COHN. I don't think that would follow, sir. If they tried to get us to stop and we went ahead anyway, it didn't mean that they were going to withhold the information from us as we went ahead.

Mr. ST. CLAIR. Well, if they tried to get you to stop and took action to get you to stop, you mean to say that is consistent with cooperating with you?

Mr. COHN. No; I am saying this, Mr. St. Clair, that they tried to get us to stop, and if we told them we couldn't stop, we were going ahead, their acts in trying to get us to stop would not preclude them from cooperating with us as we did go ahead.

Mr. ST. CLAIR. Do you mean to say that in one moment they will try to stop you and then they would lose and so they go ahead and be nice to you for awhile and then they try to stop you again and they lose, and then be nice to you for awhile?

Mr. COHN. Even when they were trying to get us to stop, at the beginning certainly, they were not unkind about it.

Mr. ST. CLAIR. Well, Mr. Cohn, let me see if we can do this rather simply. Can you tell me whether or not Mr. Stevens and Mr. Adams cooperated with you at Fort Monmouth?

Mr. COHN. To some extent, yes, and to some extent, no, sir.

Mr. ST. CLAIR. To some extent they did not, is that right?

Mr. COHN. That is right, sir.

Mr. ST. CLAIR. Well, now, Mr. Cohn——

Mr. COHN. And I would emphasize——

Mr. ST. CLAIR. There is no question.

Mr. COHN. To some extent, they did cooperate with us.

Mr. ST. CLAIR. There is no question. Mr. Cohn.

Mr. COHN. And I have said that they——

Mr. ST. CLAIR. There is no question, please.

Mr. COHN. Well, I wanted to say this, Mr. St. Clair——

Mr. ST. CLAIR. I know what you wanted to say.

Mr. COHN. To complete my answer, I think that not only here but on other occasions in the past, I have said for the record, and off the record, that as we went through the investigation we have received cooperation from Mr. Stevens and on occasion even from Mr. Adams, and there is no doubt about it.

Mr. ST. CLAIR. Did they cooperate or didn't they, Mr. Cohn?

Mr. COHN. They certainly cooperated with us to some extent. There is no doubt about it.

Mr. ST. CLAIR. To some extent?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. They didn't give you 100 percent cooperation, is that it?

Mr. COHN. No; I would say if you compared it to the Government Printing Office, it was not 100 percent.

Mr. ST. CLAIR. No; all right, to some extent they did cooperate, is that the way you want to put it?

Mr. COHN. Yes, sir; I think that I have said that.

Mr. ST. CLAIR. When you were speaking for the record, on December 8, 1953, you put no limitations on the fact that they cooperated with you, did you? Are you familiar with what I am talking about?

Mr. COHN. No, sir; I am not.

Mr. ST. CLAIR. I have in front of me—

Mr. COHN. I think Mr. Stevens read into the record here the statement by Senator McCarthy and possibly one by me in which we said at a public session, at the beginning or at the end, that we were sure Mr. Adams and Mr. Stevens were cooperating, and wanted to cooperate with us.

Mr. ST. CLAIR. You meant what you said, then, didn't you, Mr. Cohn?

Mr. COHN. Surely.

Mr. ST. CLAIR. You had no reservations when you said it, did you? This was important, and this gets published, doesn't it?

Mr. COHN. Yes, it got published; surely.

Mr. ST. CLAIR. Well, this is important, isn't it, this document that I have here?

Mr. COHN. I better look at it. It is December 8, and it is the public record of the Army Signal Corps subversion and espionage hearing. I think that was the day Aaron Coleman—

Senator MUNDT. Your time has expired, Mr. St. Clair.

Mr. Jenkins?

Mr. JENKINS. Mr. Chairman, at this time I desire to utilize a part of my time, not in questioning Mr. Cohn further, but in making a statement. Several days ago, the Secretary of the Army delivered to me a sealed envelope containing certain information that had been requested of him pertaining to the Major Peress case. That envelope is in my hands at this time, addressed to me, and it is from the Department of the Army, Washington, and it is marked "Confidential" and in the first place, Mr. Chairman and members of the committee, the information contained in that envelope would shed no light whatever on the issues of this controversy and would not be germane to the inquiry now being conducted.

In the second place, Mr. Chairman, it is a confidential communication containing information about which Mr. St. Clair has just questioned the witness, or to which some reference has been made.

In the next place, Mr. Chairman, I am not cleared for confidential information. On at least more than one occasion heretofore, I have made an attempt to completely and permanently disassociate myself from this document. I see no point whatever in it remaining in my custody further. I have no intention whatever of breaking this sealed

envelope. I here and now publicly desire to tender this envelope back to the Army through the person of Mr. Welch. And I ask the permission of the chairman of this committee to be allowed to do so.

I see no reason why I should be burdened by being required to continue to keep in my possession a document that could possibly never at any time be of any value whatever in pursuing this inquiry, and Mr. Chairman, I respectfully and humbly request the committee to now permit me to do so.

Senator MUNDT. The Chair regrets that he cannot oblige his distinguished friend from Tennessee. The document was tendered to the committee in response to a request by one of the committee members or one of the principals. I have forgotten just exactly whom. We are very happy to note that you still have it with an unbroken seal. You have kept the faith splendidly, and I am sure you will continue to do so to the end of the hearings.

I take it you have no comment?

Mr. JENKINS. I have no questions.

Senator MUNDT. The Chair will pass to Senator McClellan or the Senators to my right, and the Senators to my left and to Senator McCarthy.

Senator McCARTHY. I have just 1 or 2 questions.

Mr. Cohn, Mr. St. Clair was asking you about the attempt to call off the hearings which were exposing Communists in the military and defense plants, and there is no question in anybody's mind I guess that Mr. Stevens and Mr. Adams were successful or perhaps I shouldn't say Mr. Stevens and Mr. Adams, but it appears now that Mr. Stevens may have been willing to cooperate but we had the political adviser of the Democratic Party pulling the strings, but there is no question about the fact that somebody succeeded in calling off the exposure of Communists in the military in the defense plants.

Mr. COHN. No, sir.

Senator McCARTHY. So that regardless of what the efforts were as of this 8th day of June, the efforts are still successful, and have been successful for a number of weeks.

Mr. COHN. Yes, sir; there is no doubt about it.

Senator McCARTHY. In view of the statement, Mr. Cohn, by Mr. Stevens on page 5311 of the record, I won't take the time of the committee to read it, but he says in effect that there is really nothing to this, all of this talk about the Cohn-Schine affair, and in view of that there isn't much doubt, is there, but what there has been a fraud practiced upon the members of this committee in getting us to sit here and investigate a charge made a day or so after the man making the charge said that there is really nothing to it?

Mr. COHN. There is no doubt about it, sir.

Senator McCARTHY. Now, Mr. St. Clair was asking you about cooperation. Is it correct as set forth in the answer to the Adams-Stevens charges, that we did get what appeared to be rather good cooperation when we were digging out the individual Communists, but we got absolutely no cooperation, and complete opposition, when we started to expose or tried to expose those who were responsible for the clearance of those individual Communists.

Mr. COHN. That is right, sir.

Senator MUNDT. There appears to be a rollcall vote. The Chair will suggest since it is almost 5 o'clock now, that we recess to vote and stay in recess until 10 o'clock tomorrow morning, and we will start with Mr. St. Clair in the morning, if you will remind the Chair you are the first one.

(Whereupon, at 4:55, the committee was recessed, to reconvene at 10 a. m. the following day, Wednesday, June 9, 1954.)

(On June 8, 1954, the Special Subcommittee on Investigations made public the executive session of the subcommittee held at 9:40 a. m. June 8, 1954. The record of this executive session follows below:)

**SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR**

TUESDAY, JUNE 8, 1954

**UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS OF
THE COMMITTEE ON GOVERNMENT OPERATIONS,
*Washington, D. C.***

The subcommittee met at 9:40 a. m., pursuant to notice, in room 357 of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army.

Senator MUNDT. The meeting will come to order.

Mainly why we have this meeting this morning is that Mr. Jenkins suggested that we ought to have a meeting and decide to cast up the dimensions of this case as far as the witnesses are concerned so we can all begin to make some plans now as to who has to be heard and if there are any prospects of getting it over in a designated amount of time, or whether it is going to go on interminably with a constantly increasing cast of characters.

We ought to find out from all hands who they want to have heard, how many witnesses, and what they think the program should be, because all of us are going to have to start making plans as to what is going to happen, at least, during July, if we are not going to do anything during June.

I have no ideas on the subject, but I do think, as intelligent people, we have gone far enough now so that we can sit down and sort of figure out the length of the road ahead.

We are the ones that have it in our control. This is to me the kind of thing that if we do not begin exercising some guidance in it pretty soon, it could conceivably go on all summer, because every day different people get mentioned.

Mr. Jenkins, I will be glad to hear from you or Mr. Welch, or any member of the committee.

Mr. JENKINS. Mr. Chairman, and gentlemen of the committee: Mr. Welch and Mr. St. Clair and I conferred yesterday. After that conference I conferred with Senator McCarthy and Mr. Cohn.

Mr. Welch advised me at the time that he felt—that he felt that the Army would be satisfied if, after the cross-examination of Mr. Cohn is concluded, Senator McCarthy and Mr. Carr were put on the witness stand, and end the hearings with their testimony.

Pursuant to that, I conferred, as I said, with Senator McCarthy and Mr. Cohn. After some discussion, they stated that they would be agreeable to that formula.

Mr. Welch was of the opinion, I think a little optimistic, we can stay at night until it is concluded.

Senator JACKSON. Before there can be any decision on that, Mr. Chairman, I want to revert to the testimony that has been taken in executive sessions of witnesses who have appeared before the committee. I do think, as I pointed out earlier, that we should have that information.

I do not want to conclude these hearings and have someone tell me later that so-and-so testified and “Do you mean to tell me you knew nothing about it?” I feel very deeply about that.

I presume from what I have been told that there is nothing in it. But I do want, as a matter of conscience, to be able to say that we have gone through it. I think those transcripts or notes should be typed up without delay. I think it makes the committee look difficult.

Senator MUNDT. We almost arrived at our last meeting at a formula and then the bell rang.

Senator JACKSON. If we could allow our assistants to look at it, it would be helpful. It is impossible for me to go down during the lunch hour and at nights to try to read through transcripts. It is ridiculous. I will do it under one stipulation, that everybody be required to look at it starting at 5 in the morning, or 6. But I don't like to do it at night. I dislike to get up early and do it, but I will do it under that stipulation. I am still in good health.

Mr. JENKINS. A young man like you——

Senator JACKSON. I think that should be disposed of readily, Karl.

Senator MUNDT. Personally, I would like to have everybody on the committee read that stuff and hear it. I am a little bit under obligation to guys like Joe Alsop, and Jim Weston, and some of those fellows.

Senator McCLELLAN. You are not under obligation to them as a committee.

Senator MUNDT. No, but to release it to the public. It seems to me if you are going to turn over all the administrative aids, and so forth, you are going to be going into public.

Senator JACKSON. I have no desire to make it public, but I do believe we would be derelict in our duty if we do not look at the sworn testimony.

I am not talking about interviews that the staff has had. But when you call someone in, in executive session, and take notes in the presence of a Senator, I feel very strongly we are shirking our duty; at least I am.

Senator POTTER. Why don't you do this: After you have concluded with the witnesses for this week, set a day aside, or a morning, to take it up in executive session.

Senator JACKSON. Charlie, it should have been done a long time ago. You see, you need it in case there is something relevant you need on cross-examination. You don't want to read this at the end of the thing.

Senator MUNDT. Suppose, Scoop, we have it all typed up and delivered to Mr. Jenkins' office.

Senator JACKSON. All right.

Senator MUNDT. I have not had it typed.

Senator McCLELLAN. Did you say something about whether we see it or not?

Senator MUNDT. To give it to Mr. Jenkins and let people go there and look at it.

Senator JACKSON. Let us get it typed up right away. Is that agreeable?

Senator MUNDT. Yes. By unanimous consent—I haven't done it—if there is no objection, we will get it typed up right away and have one full set delivered to Mr. Jenkins.

Senator JACKSON. Let us get it typed up. We can delegate one person to look at it for the three of us.

Senator MUNDT. Without objection that will be done.

Mr. JENKINS. Let me get this straight. If you delegate somebody, Scoop, I know it will be my friend Bob Kennedy. It is all right for Mr. Kennedy to look at it or Senator Jackson, Senator Symington, and Senator McClellan?

Senator MUNDT. They will have to assume that responsibility.

Senator JACKSON. We will have to assume it, we will assume it, and it will be in accordance with the rules.

Mr. JENKINS. Mr. Welch, did I correctly state your position?

Mr. WELCH. First may I make a comment on this last item. I think it must be apparent to everyone in the room. We don't know what has been testified to in these sessions. We couldn't know, since there was no transcription. It seems to me entirely proper that that material should be before this committee.

Now on the other point, it is true that Mr. Jenkins and I talked yesterday and on earlier occasions—

Senator McCARTHY. Before you go into that, could I ask, is it understood that we also have a chance to see those transcripts?

Senator JACKSON. I would assume so.

Mr. JENKINS. And, of course, Mr. Welch.

Senator McCLELLAN. The parties in interest certainly have a right to see it.

Mr. JENKINS. I think so, Senator.

Senator McCLELLAN. Of course.

Senator MUNDT. All right. It is so understood. Go ahead, Mr. Welch.

Mr. WELCH. Here is the thing about these hearings that begins to somewhat appal me.

Looking at you, Senator McCarthy, you have, I think, something of a genius for creating confusion, throwing in new issues, new accusations, and creating a turmoil in the hearts and minds of the country that I find troublesome. And because of your genius, sir, we keep on, just keep on, as I view it, creating these confusions. Maybe I am overimpressed by them. But I don't think they do the country any good.

Not only that, we on this side of the table began the hearings with the feeling that there were certain witnesses or parties that were indispensable, and we all know what we have been talking about. That really meant the parties.

And the President said he thought those people should be heard.

It is now quite clear that they are going to be heard. Mr. Cohn, of course, is on the stand. Mr. Carr and the Senator, in some order, are going to take the stand.

When you have heard those witnesses, if you start bothering the field thereafter to rebuttal and additional witnesses, etc., I must say I just don't see where the dickens the case ends. We could put on witnesses and the Senator could put on witnesses for a long, long time.

Now, Mr. Chairman, I think it is quite clear that this hearing cannot actually resolve and solve some of the things that have been presented in it, to wit, the constitutional issues as I view them, which can only be revealed to the public, and thought about, and settled in the course of the next year or 5 years or 10 years or our lifetime.

Those constitutional issues have actually been revealed. There is no doubt about it.

Lawyers and Senators and executives—members of the executive—can differ as to what the result ought to be, but the issues are revealed.

As to the personal conflicts here of who is saying what, I hesitate to say this but as a lawyer it would seem to me that neither side is bound to have a 100 percent clearcut victory in that. That is going to be left in some kind of balance from the way the committee looks and acts, and probably the way the country reacts.

It follows that looked at from the viewpoint of the United States of America, that I think we do no good in continuing the hearings beyond the point that Mr. Jenkins has suggested.

I am therefore prepared to say, and have said to Mr. Jenkins, unofficially—and in view of what he has now said I say it officially—that if the two witnesses we have in mind take the stand in any order, that the other side wishes, and are content at that, we would be content. And there, I think, I have all.

Senator MUNDT. Mr. Welch, may I ask a question? If we move on that formula, would you be able to have in mind clearly enough questions or the type of questions and the length of questions you would want to ask so we could couple with that a target date for conclusion?

Mr. WELCH. On that point, Senator Mundt, I would hope—Senator Potter, I would hope that we wouldn't try for night sessions and Saturday sessions.

Senator POTTER. I will grant you it is not particularly desirable. But I think if we don't have a target—for example, Roy is on the stand. I, for the life of me, do not have another question to ask Roy if he is there for 6 months. But I assume that you do have. I do not know how long. For example, if you cut out the Senator's time, how long would it take?

Mr. WELCH. On that point, I am certainly prepared to say that we have no slightest ambition, Mr. Cohn, to retain you on the stand in any sort of marathon.

Senator MUNDT. I did not hear you.

Mr. WELCH. I was saying to Mr. Cohn that we have on this side of the table no desire to keep him on the stand for any sort of a marathon. If the Senators are out of the way, so to speak, or get out of the way, so that he comes steadily to Mr. St. Clair and to me, and we will split our cross-examination, it seems to me, granted steady work on the things we want to ask, that it is only a matter of hours. Neither St. Clair nor Welch have ever been noted for long cross-examinations.

Senator McCARTHY. What is that?

Mr. WELCH. I said neither St. Clair nor Welch have ever been noted for long cross-examination. I think we have had just about 30 or 40 minutes, not very much.

Mr. COHN. Well, about 40 minutes.

Mr. WELCH. That is pretty trivial.

Mr. COHN. Much more than we took on Mr. Adams.

Senator JACKSON. How about Stevens? How long were you on Stevens?

Mr. COHN. I don't think you will find we took too much time on Stevens.

Senator MUNDT. Let us stick to the subject.

Mr. WELCH. In any event, to talk about a target date, I would not think it would be wise to fix a date like next Tuesday and crowd it in, if it kills us. I would personally think, and let us say a word about Mr. Carr, also, the things that interest me about Mr. Carr's testimony are quite limited.

If he does not have a broad direct by you, Mr. Jenkins, and a broad cross by you, I should think Mr. Carr would be a short witness.

As to the Senator, I know your plans about a direct and cross, Mr. Jenkins, which you have promised will be vigorous, and after a vigorous cross by you I would say that there would be very few passes by us, with a rather modest pair of lawyers and a United States Senator.

I have also predicted, as you gentlemen have known, that once we could get the case rolling, it would go. I must say my prediction has never to this moment come true as to any particular witness, but I still think the case ought in some way to be gotten rolling and moving.

Mr. JENKINS. It rolled yesterday, Joe. We got all the monitored calls in.

Mr. WELCH. I will admit that, but we didn't do much after that.

Senator SYMINGTON. It was 5 o'clock at that point. How much do you want to work?

Senator DIRKSEN. Mr. Welch, if you don't have the compulsion of the target you are just out in the middle of a deep, blue sea, almost.

Senator MUNDT. The trouble is, Mr. Welch, if there is no time target, I could sit here and ask questions of Cohn or any of these wit-

nesses on the basis of 28 days of testimony. I suppose I could ask questions for a week. Or if I thought I could only have a couple of cracks at him, I would pick out the ones that I thought were good and get done with him in 20 minutes.

Mr. WELCH. But if you have a target and the Senators take big cracks at these witnesses, we would get almost no chance.

Senator MUNDT. We would have to divide up the time, I quite agree with you on that. It would not be fair to have a target and then limit you, say, to 30 minutes.

Mr. JENKINS. Mr. Welch, as far as I am concerned, you are bound to have known for several days that I am through with Mr. Cohn. So I will consume none of your time. You can eliminate me. Now it is a question of the Senators and you.

Mr. WELCH. Mr. St. Clair says to me it is fair enough to talk about a target and aim for it, and we will help aim for it, but we don't think we ought to have a curtain fall when the clock reaches a certain time.

Senator McCARTHY. Mr. Chairman, just so my position is completely clear in this: Mr. Jenkins is right when he says he talked to me the other day in regard to limiting the time of the witnesses. I gave that some thought later and called back and told Mr. Prewitt that I believed—I would not consent to limiting the witnesses unless there was a limitation on time. If there is a limitation on time then I would be frankly willing to not call some of the witnesses that I feel should be called. If there is to be no limitation on time, then I will want, for example, General Lawton, Clark Clifford. I will want Senator Symington.

I felt all along motive was the all-important thing here. We find now that Mr. Symington—

Senator SYMINGTON. Let us get off all that and get on the issue. You know that is just a lot of bunk. Why don't you get on the issue and talk about the time element?

Senator McCARTHY. We find out from the record that Stevens was, the day before the charges were made—

Senator SYMINGTON. Why go into all of that? You said it all yesterday. This is an executive hearing and it is 10 o'clock.

Senator McCARTHY. Don't interrupt me.

Senator SYMINGTON. I stated my position. You can talk for an hour.

Senator McCARTHY. So the Chair can have my position. Mr. Chairman, I have always felt that motive was all-important. We now find that this thing has apparently been directed by the very competent political adviser of the opposite party, that Mr. Symington was trying to—he wanted to hold his coat while he had a fight with me. If there is a target date, if there is a definite cut-off date, so we can get back to the Communist issue, then I think I would consent to the type of limitation of the witnesses that Mr. Jenkins mentions.

If there is no cut-off date so we can start planning our work, I would consent to no limitation of the witnesses.

Mr. WELCH. Mr. Chairman, could we approach it from another way, which would seem to me the same thing?

Senator MUNDT. Mr. Welch?

Mr. WELCH. That is that we guaranteed a certain number of passes—that we be guaranteed a certain number of passes at these witnesses and a certain amount of time.

Senator POTTER. I think you should.

Senator MUNDT. I think that would be fair. I see your point.

If you are working with long-winded Senators who are going to do some talking, I certainly see your point.

May I have your attention, Stu, and Mac? The Chair would appreciate some kind of a routine, because I am up against this proposition: As you know, I told all sides all the way through that I would subpoena anybody where there was a legitimate reason to subpoena, providing the request was channeled through the counsel. I subpoenaed a witness yesterday at the request of Mr. Welch. As Mr. Welch points out and Joe points out, I think, in new witnesses there have been an awful lot of them.

Senator SYMINGTON. Did you subpoena the rest of them without telling the rest of the committee about them?

Senator MUNDT. I haven't told the committee about them. We are going to make all of these hearings available so you can see everybody who has been subpoenaed. I know you are going to agree that on most of them you do not want to sit around all summer and hear them.

Senator SYMINGTON. You have to discuss these charges and you don't know anything about who has been seen or what has been said. It makes it difficult.

Senator MUNDT. You are going to get the hearings, and you can read them or have Mr. Kennedy read them.

The point I am making is this: I am up against a deadline. Am I going to serve a subpoena on Clifford or not? If we are going to different issues, I have no basis for not doing it. I didn't do it yesterday, I haven't done it yet. I am hopeful that we can agree on a bunch of witnesses. I am hopeful that the one Joe gave me yesterday is not going to—I am hopeful that he is not going to insist on calling him up in public.

Senator SYMINGTON. Who is the witness that you are not going to instill on calling up in public? We are not having secrets; are we?

Mr. WELCH. No. Are you talking about a witness we asked for yesterday?

Senator MUNDT. Yes.

Senator DWORSHAK. Are you planning to call Schine?

Senator DWORSHAK. Are you planning to call Schine?

Senator JACKSON. Schine is not proposed to be called. There are just two more witnesses, as I understand the agreement.

Senator MUNDT. If you don't give me some kind of dimensions, then I have to keep standing on subpoenas. Are we going to have Schine as a witness or not? That involves more subpoenas and more characters. Are we going to have General Lawton? If you do, you have to have his aide, Captain Corr. So where do we end? It is like you said yesterday, when you and Joe were having your altercation. I tried to keep it in balance the best I could, but it is pretty hard to end the thing.

Senator McCLELLAN. Mr. Chairman, first, all of this is new to me. I didn't know what had been planned. I am hearing it here for the first time.

Senator MUNDT. Nothing has been planned.

Senator McCLELLAN. I am going to say to you now that I am not going to agree prematurely to any motion that would set a deadline date to terminate these hearings. I am ready to cooperate and move along here and call those that you know you want to call, get them in here. I will try to do as I think I have done in the past, help to expedite it. I haven't too many questions to ask any of them.

This thing about other witnesses, now, is next. We have an executive session here and there has been a lot said in public about another witness or two. I suggest this is the time, if anybody wants them, to make the motion and let us vote on it right here in executive session as to whether they will be called or not. I am ready to vote on it, if the motion is made, but I am not going to vote here this morning for any deadline and to limit witnesses until you have gotten these principles through.

I just don't think we can do that.

So far as working to a deadline for next Friday or Tuesday, I will work with you every way in the world. But I am not going to tie my hands here this morning.

Senator MUNDT. Let me find out from you, then, are there some witnesses that you want to have called?

Senator McCLELLAN. I have no other witnesses to call, Mr. Chairman. I haven't asked for a subpoena for a witness since I have been in the matter. But I say if there is anybody that wants a witness called, this is the time and place to make the motion for a subpoena, while we are all here.

Senator MUNDT. Are we talking about Cohn and McCarthy and Carr?

Stu, are there any witnesses that you want to have called?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Just a minute.

Stu, are there any other witnesses that you want to have called?

Senator SYMINGTON. I don't see why you ask me. People have asked about witnesses. Let's get it on the table.

I want everybody called that can add any influence—or, rather, add any light to this controversy.

Senator MUNDT. Have you any in mind?

Senator SYMINGTON. I will be glad to consider and make up a list of those witnesses that I think ought to be called.

Senator MUNDT. Can't you tell us now?

Senator SYMINGTON. I don't think I know right now the details of the list. I would like to have my counsel look through the testimony and see what the record shows and put a list up based on the record.

Senator MUNDT. Scoop?

Senator JACKSON. No; I haven't anyone that I personally want to call at this point. I just assumed that certain people would be called, and I am still assuming it.

Senator SYMINGTON. Would you yield to me a second? I am sure of this: I want some more witnesses called, and I will give you a carefully delineated list. But I would like to have Bob Kennedy look the testimony over. I am operating here too much on my own.

Senator JACKSON. Mr. Chairman, requests have been made by other people to this controversy for witnesses, and I am ready right now to vote on those requests.

Senator McCARTHY. Mr. Chairman, may I say—

Senator MUNDT. I am coming down the line. Charlie, have you any witnesses that you want?

Senator POTTER. No.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. I think in view of the inability to agree on any procedural methods that we ought to recess until a few days after Congress adjourns, and then take it up. We can then stay here until Christmas.

Senator DIRKSEN. Ray, how long would you take with Roy and Carr and Joe?

Mr. JENKINS. Senator Dirksen, I am through with Roy. Mr. Welch and I discussed the length of time that we anticipated it might take with the Senator and with Mr. Carr. Necessarily their testimony will be shorter than that of Mr. Cohn. I would say that as far as I personally am concerned, I will get through with the Senator certainly in a day's time, less time, perhaps, no more than a day—if I took, say, a day with the Senator and Mr. Welch and the committee a day, Mr. Carr's testimony is shorter, I think, than the Senator's. If the hearings were concluded at the conclusion of the testimony of those respective witnesses, I would say that these hearings would be concluded by not later than Saturday of this week. If you had night sessions—no, that is out, Mr. Welch. I wouldn't say any more about it.

Senator DIRKSEN. Mr. Welch, how long will you take, first on Mr. Cohn?

Mr. WELCH. I was just putting down here my own estimate. It seems to me these are maxima. I would think that Mr. Cohn's cross-examination would be bound to be finished in 2 days, and I think less. The Senator, direct and cross, in 2 days, and very likely less, and Mr. Carr, I would like to say a day, but if you want to talk about maxima all along the line, you would have 6 days on these maxima, which would mean 4 days left this week and 2 next.

Mr. COHN. You want me 2 days more?

Mr. WELCH. I don't know. I don't think so.

Senator MUNDT. How many days did you say as a maximum?

Mr. WELCH. A maximum of 6 days. Mr. Cohn just asked me if I wanted him 2 days more. The answer would be if Mr. St. Clair and I had you without interruption, it would be a lot more like 1 day than 2.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Are you through?

Senator DIRKSEN. Well, I was trying to get a picture here, insofar as the junior Senator from Illinois is concerned. There are no questions that I want to ask of Roy or Frank. I might take 10 minutes to praise the Senator from Wisconsin, but that is about as far as I would go. Mr. Chairman, I want to say to you very frankly that after Friday this committee is probably going to have to dispense with my services because we have some very important matters coming up in appropriations. Foreign-aid hearings are going to begin very soon. I have to start hearings on the District of Columbia appropriation bill early next week. I will be the only one there. I will have to run them and take all the testimony myself. That is my job, and I intend to do it.

Senator MUNDT. I have a very real problem coming up. I am the Chairman of the Legislative and Judicial Appropriations Subcom-

mittee. They have been deferring their hearings and deferring their hearings, and I have to run them.

Senator DIRKSEN. There are going to be hundreds of bills, and whatever you do, I guess you are going to be without my services, because these other things must be done at the same time.

Senator DWORSHAK. Could we eliminate day sessions and run only evening sessions?

Senator MUNDT. Joe——

Senator MCCARTHY. Mr. Chairman, I think unless the Democrats agree to a target date, I think it would be a mistake to have a 4 to 3 vote, or anything like that, cutting off the hearings. I think if the Democrat side wants to continue these, I think frankly we have no choice to continue them, No. 1. No. 2, Mr. Welch made a statement that I want to comment on. He said Mr. McCarthy had a genius for creating confusion. I assume by that he means a genius for bringing out the facts which may disturb the people, for example, showing up that phony chart, showing up the change in date of the letter. I think that confuses people, showing up that Mr. Symington and Mr. Clifford were behind this. That may create confusion, but I have no choice but to bring out those facts.

Mr. Chairman, I think that if we do not limit this as to witnesses, and I frankly hope that we don't, although I will go along with whatever the committee does, I think it is imperative that Senator Symington take the stand. He has advised on the record the Republicans should do that. It now appears that he played a much bigger part than the Republicans did in this. I have gone over the parliamentary situation here, Mr. Chairman. I find that apparently this committee has no way of forcing him to do it. The Constitution says that a Senator will be made to answer for his actions only on the floor of the Senate. That has been construed to mean that he cannot be subpoenaed.

I think, however, in view of the fact that Mr. Symington—I mean from all the mail I get, people are confused. They know that Stu—Mr. Symington, I mean, and Mr. Clifford, were engineering this deal which called off the hearings of the Communists. I am going to continue urging that he take the stand. I hope that finally public opinion, public pressure, makes him do what he so sanctimoniously told the Republicans they should do, namely, put all the facts on the table.

So I may say, I will go along with whatever the committee does, if they call a target date, so we can get back to our work. Otherwise, I would not go along with any limitation of witnesses, No. 1. No. 2, Friday of this week Mr. Cohn is being called into service. He is going to be called to 2 weeks duty down, incidentally, under General Zwicker. He is one of the very important principals in this case.

Senator DWORSHAK. Going when?

Senator MCCARTHY. Friday of this week.

Mr. COHN. Saturday.

Senator MCCARTHY. I don't know how the committee can continue while one of the principals is away. Whether you will take a recess or what you will do, I am just giving you that fact now, so you will know.

Senator SYMINGTON. Have you finished?

Senator McCARTHY. Obviously, we cannot ask for any deferment, because that would be asking for special favors, and we do not want any investigation of this committee for granting special favors for Mr. Cohn.

Senator McCLELLAN. There would not be any harm in doing that, would there? Not a bit.

Senator SYMINGTON. Have you finished?

Senator McCARTHY. For the time being, yes.

Senator SYMINGTON. I will make a deal with you. I will go on the floor of the Senate and make a speech, and then I will take the stand, see, and I will go under oath and let this committee examine me, if you will make a speech and if you will go on the stand on the charges you never answered in 1952. There is your deal, and I will make it with you right now.

Senator McCARTHY. Let us first get the record straight. The Senator made a misstatement yesterday when he said I was asked to go on the stand in 1952. That is incorrect.

Senator SYMINGTON. You were invited to answer the charges.

Senator McCARTHY. I was told that I could go on the stand.

Senator SYMINGTON. You were invited to answer the charges.

Senator McCARTHY. Let us not have any of this phony stuff.

Senator SYMINGTON. Any time you want to pull me, going on the stand—I will make a deal with you right now. I will get on the floor of the Senate and I will give my position in this matter, and I will go under cross-examination by this committee, which would be a very unusual thing for a Senator to do, if you will go under cross-examination with respect to the charges that were made against you by a committee which was unanimously signed by Democrats and Republicans in 1952.

There is your deal. I will make it here, and if you want to, I will make it on television, whichever way you want to do it, or both.

Senator McCARTHY. Your deal is to retry the 1952 case.

Senator SYMINGTON. There was no retrial, because he never appeared.

Senator DIRKSEN. Mr. Chairman.

Senator SYMINGTON. I am going to answer you just that way, so long as you feel he understands.

I make a motion that these minutes be published today, that they be written up and published today, so everybody will know what we are talking about.

Senator DIRKSEN. Mr. Chairman, I respectfully suggest there is a motion to adjourn, which is not debatable.

Senator SYMINGTON. Just a minute.

Senator McCLELLAN. We have a request before the chairman to call a witness. Are we going to do it? It is made in public. Do you want a motion?

Senator MUNDT. I don't want a motion on that.

Senator McCLELLAN. Let us settle it. He was injected in here yesterday. Let us settle it. Are we going to call that witness or not?

Senator MUNDT. Which one are you talking about?

Senator McCLELLAN. I am talking about Mr. Clifford. Do you want him? The motion was made, the request was made in public. Let us settle it here this morning. Does anybody want to make a motion to call him?

Senator SYMINGTON. Don't you want to make a motion to call him? That is what you told the Chair yesterday.

Senator McCARTHY. I am not making a motion. The Chair has the request.

Senator SYMINGTON. Let us put it to a vote now.

Senator MUNDT. It will be the first time you subpoenaed anybody by a vote. You can if you want to.

Senator McCLELLAN. It was played up before the public. Let the committee vote on it.

Senator POTTER. Is there a motion before the Chair on subpoenaing Clifford?

Senator MUNDT. Not that I know of.

Senator JACKSON. I move that we call Mr. Clifford.

Senator MUNDT. Is there a second?

Senator POTTER. I move it be placed on the table.

Senator McCLELLAN. I will second the motion.

Senator MUNDT. The move has been seconded that we call Mr. Clifford.

You have a motion to place it on the table.

Senator DWORSHAK. Mr. Chairman, I think this is out of order. I think Everett Dirksen made a motion to adjourn.

Senator JACKSON. There was no second to that motion.

Senator SYMINGTON. Wait a minute. Here is a motion that has been made, moved and seconded, to call Mr. Clifford. How are we going to vote?

Senator McCARTHY. Mr. Chairman, may I say that up until now the Chair has called all witnesses requested by Mr. Welch. I assume the Chair will follow the same procedure insofar as witnesses requested by me are concerned?

Senator MUNDT. The Chair has already announced that if we are going to run this hearing on interminably—

Senator DWORSHAK. I will second the motion to lay on the table.

Senator MUNDT. Very well. I think the appropriate thing to do is to lay it on the table.

Senator SYMINGTON. It is not to lay it on the table, and you know it, because everybody in the American public thinks that Senator McCarthy has asked Mr. Clifford to come before this committee and testify now due to a lot of this, that, and the other, and we are running out on the fact of whether we even take a vote on it. That is a fine way to run a committee.

Senator MUNDT. Stu, at least you should control yourself, no matter how angry you feel about it—

Senator SYMINGTON. I am not angry at all.

Senator MUNDT. Then let us act like Senators. You cannot be popping off all the time.

Senator SYMINGTON. I beg your pardon.

Senator MUNDT. You don't have to beg my pardon.

Senator SYMINGTON. I will apologize for that.

Senator MUNDT. You don't have to apologize. I was going to say I think it is appropriate to lay this on the table until we can have a meeting to determine how many witnesses you want to have. You have the promise of the Chair if these hearings continue, he is certainly going to subpoena Mr. Clark Clifford in conformity with the

regular practice. But you have the Lawton thing and the same situation. You have a lot of other witnesses.

I think you have a good point. You have a right to read these hearings and see how many you want to call in public.

Senator McCLELLAN. Yesterday you had a big play about Clifford. You have had it before millions of people. Do you want to take the responsibility of doing nothing about it? The motion is made here to try to take it off of you, and let the committee decide. I am ready to vote on it. Let us settle it.

Senator JACKSON. And two Democrats have made the motion to call him.

Senator DWORSHAK. Will you yield?

This is my approach. I can see no consistency in deciding whether we call one witness. I think we have tried unsuccessfully to outline a plan for a target date, and call all witnesses or no more witnesses than the principals who have been in the picture heretofore. I think we ought not to approach this in a piecemeal manner, but determine how far we want to go or how far we want to restrict the hearings in the future.

Senator MUNDT. Very well. I think we all recognize that parliamentarians are debating a motion which should not be debatable, a motion to lay on the table.

Senator McCLELLAN. All right, if the Chair wants to rule it out.

Senator MUNDT. I am not ruling it out. I am pointing out that it is 10:20.

Senator SYMINGTON. Charlie, do you want to be in a position where you are blocking this vote?

Senator POTTER. Let me say this. If you are going to call Clifford, then you are going to call 15 other people.

Senator SYMINGTON. But the big play was made yesterday that Clifford and Symington were the ones which had done this, which is totally and completely false.

Senator POTTER. I will be frank with you. I would like to see what Clifford has to say.

Senator SYMINGTON. Then why do you throw the block at it? What are you afraid of?

Senator POTTER. I am not afraid of anything.

Senator SYMINGTON. Let us vote, Mr. Chairman.

Senator POTTER. I will withdraw my motion.

Senator DWORSHAK. I will withdraw my second.

Senator MCCARTHY. Mr. Chairman, it is completely unfair to the Cohn-Carr-McCarthy side of this if you call all witnesses requested by Mr. Welch, and then whenever I ask for a witness, the Democrats try to vote it down. The Chair has a power to subpoena. That is the committee rule. Unless you change the rules during the middle of this proceeding, which I was promised you would not do, I was promised at the time I got off this committee that the rules would remain the same all during the hearing. Now, for some reason or other there seems to be some deathly fear on the part of Mr. Symington that Mr. Clifford may be here under oath. He knows that he can't invoke the type of senatorial immunity that Mr. Symington has.

Mr. Chairman, I ask the Chair not to entertain that motion because it would be changing the rules, it would be a violation, a complete

violation of the agreement made with me at the time I stepped off the committee.

This one final word, Mr. Chairman. The Chair will remember, both over the phone from Arizona, and before the committee, I said I will step off with the understanding I shall depend on the honor of the Senators that they not change the ground rules after I am off the committee. And that would be changing the ground rules, if you could block the witnesses that I want called.

Senator SYMINGTON. Do you want to call Mr. Clifford?

Senator McCARTHY. Of course I do.

Senator SYMINGTON. We have a motion here to call him.

Senator McCLELLAN. The Democrats are trying to help you.

Senator MUNDT. May the Chair make this suggestion? The Chair will give you his word, if you will withdraw your motion, that he will call Mr. Clifford. It is very unusual that you have a motion for one particular witness.

Senator McCLELLAN. Since when cannot a committee move to call a witness?

Senator MUNDT. Certainly you can.

Senator McCLELLAN. That is not violating any rule. That is just voting on it.

Senator McCARTHY. Mr. Chairman, if you do that, then whenever I request to have Lawton called or anybody, it means—well, so far, and Mr. Welch, I think, will confirm the fact, whenever he wanted a witness called, that witness was called, and if after he was called Mr. Welch found that his testimony was of no value, he did not ask to have him called in public. That has been the procedure.

Now, Mr. Chairman, it is grossly unfair to put me in a position where each time I want a witness the Democrat members, and Mr. Symington voted—Mr. Symington, you cannot get away from the fact—

Senator SYMINGTON. Let's not make speeches here. You are not on television. Stick to the facts. Don't get all excited. You are not on television. We are in executive hearings.

Senator McCARTHY. Now you are trying to block my calling witnesses. It is the most grossly dishonest thing I have seen in ages.

Senator SYMINGTON. The worst you have ever seen. Everybody is upset. Everybody is upset. Let us vote.

Senator McCARTHY. Mr. Chairman, I ask the chairman not to entertain that. That is changing the rules.

Senator SYMINGTON. It is the same result, anyway.

Senator McCARTHY. The Chair has an absolute duty to call the witnesses we request.

Senator MUNDT. Has anybody a copy of the ground rules?

Senator SYMINGTON. Do you want to vote or not on calling Mr. Clifford?

Senator MUNDT. I want to find the rules.

Senator McCLELLAN. Do you mean we have a rule that the committee cannot call a witness?

Senator JACKSON. We are trying to comply with his request.

Senator SYMINGTON. You have said a lot of things to me, and I don't like them. Don't bluff; say them.

Senator McCARTHY. I am going to say over and over, Mr. Senator, if you have any honesty, you will appear on the witness stand under oath.

Senator SYMINGTON. You better be worried about what I am going to say.

Senator McCARTHY. I am not worried about what you are going to say.

Senator SYMINGTON. You will not intimidate me about anything.

Senator McCARTHY. I just want you to give the facts, Mr. Symington.

Senator SYMINGTON. I have never lied yet. I will give them.

Senator McCLELLAN. Do you rule us out of order, that we can't make a motion?

Senator SYMINGTON. Mr. Chairman, I make a motion that that last altercation be stricken from the record by Mr. McCarthy and me.

Senator McCARTHY. It should be left in.

Senator SYMINGTON. All right; leave it in. You said there was a lot more than you had to say about it, and so on. If you want to leave it in, leave it in.

Senator McCARTHY. I am going to question you in detail, Stu, as to what part you took in playing in calling this on.

Senator MUNDT. I don't find it in here either way. Do you want to vote?

Senator JACKSON. Let us vote and have it in.

Senator DIRKSEN. Mr. Chairman, I offer a substitute.

Senator SYMINGTON. Let us vote, Ev. It is half past 10.

Senator DIRKSEN. I offer as a substitute motion, Mr. Chairman, that the Chair, after consultation with counsel, shall call and subpoena any witness requested by the principals to these proceedings, if such witness is deemed to be material to a resolution of the issues.

Senator McCLELLAN. Mr. Chairman, I raise the point of order that is not a proper substitute. It isn't relevant to this. That motion could prevail without defeating the other.

Senator MUNDT. I believe it is a proper substitute.

Senator McCLELLAN. It isn't a proper substitute. It isn't in lieu of it.

Senator DIRKSEN. It is a proper substitute, Mr. Chairman, because it goes to the basis of the substance of the earlier motion.

Senator JACKSON. It doesn't give the members of the committee a right to call witnesses.

Senator MUNDT. Is there a second to that motion?

Senator McCLELLAN. All right, vote on the substitute. You have overruled the point of order.

Senator MUNDT. Is there a second?

Senator POTTER. Would you include members of the committee?

Senator DIRKSEN. No. I included only the principals to the proceeding.

Senator McCLELLAN. That denies to the committee the right. If that is the way you want to have it——

Senator MUNDT. The Chair will declare the motion lost for want of a second.

Senator POTTER. If you include the members of the committee, or a member of the majority committee, I will second it.

Senator DIRKSEN. Very well, Mr. Chairman, I will be willing to include not only those who may be requested by the principals—

Senator MUNDT. Restate the motion so we know what we are talking about.

Senator DIRKSEN. I move that the Chair, after consultation with counsel, call and subpoena any witness who may be requested by the parties in interest, and the principals in interest, and the members of the subcommittee, if such witnesses are deemed to be material to a resolution of the issue.

Senator POTTER. I second it.

Senator MUNDT. You have heard the motion made and seconded, in the nature of a substitute. Is there any discussion?

Senator DWORSHAK. What is that?

Senator MUNDT. Read it, Mr. Reporter.

(Portion of the record read by the reporter.)

Senator MUNDT. It is moved by Senator Dirksen and seconded by Senator Potter.

Senator DWORSHAK. Commenting on that, Mr. Chairman, it seems to me we are opening the door wide with absolutely no possibility of ending the hearings under another month or more.

Senator MUNDT. This keeps it in control—

Senator POTTER. Actually, this is what it is now. It is the very same thing we have been operating under.

Senator MUNDT. The Chair has said over and over again, publicly and privately, that he believes Clifford should be called and a lot of others should be called, if we are going to protract the hearings. If we can agree among ourselves on limiting the number of witnesses, very good. I can assure you, with or without this motion, I will follow the practice I have followed all the way through, of calling the witnesses requested.

Senator DWORSHAK. Does that means no end in sight?

Senator MUNDT. I don't know. As I understood Senator McClellan's position, and Senators Jackson and Symington, if I understand their position, they do not want to vote now to stop the hearings of Cohn, McCarthy, and Carr, until they have read the witnesses of the executive session.

Senator DWORSHAK. I think we should have a target date.

Senator MUNDT. I think it is a reasonable point. I think they want to see any testimony taken in executive session, to see if there is something they would like to see spread on the public record. I think that is a reasonable request. I don't think we should change the rules at this late stage of the game, because I don't think there is any justification in our not calling witnesses. We have called everybody they wanted. Any further discussion?

Senator McCLELLAN. Call the roll, Mr. Chairman.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Aye.

Senator MUNDT. Senator McClellan?

Senator McCLELLAN. No.

Senator MUNDT. Senator Potter.

Senator POTTER. Aye.

Senator MUNDT. Senator Jackson.

Senator JACKSON. No.

Senator MUNDT. Senator Dworshak.

Senator DWORSHAK. Aye.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. No.

Senator MUNDT. The Chair votes aye. The motion prevails.

We better reassemble upstairs now. It is 10:30 and a little late.

(Thereupon at 10:30 a. m., the executive session was concluded.)



INDEX

	Page
Adams, John G.....	2286-2289, 2295, 2296, 2298, 2299, 2323-2325, 2331
Air Force (United States).....	2287-2289, 2293, 2295, 2296
Alderson, Mr.....	2280
Allen, Colonel.....	2314
Alsop, Joe.....	2328
Army (United States).....	2280, 2285, 2287-2289, 2293-2295, 2298, 2299, 2304, 2309-2311, 2315-2321, 2324, 2328
Army Intelligence (G-2).....	2294, 2298, 2311, 2319, 2320
Army personnel.....	2315
Army Signal Corps.....	2310, 2316
Atomic Energy Commission.....	2308
Atomic Energy Joint Committee.....	2308
Beckley, Mr.....	2312
Benton, Mr.....	2282-2284
Benton charges (1952).....	2282-2284
Capitol Police.....	2279
Carr, Francis P.....	2304, 2315, 2328, 2330, 2335, 2339, 2342
Central Intelligence Agency (CIA).....	2308
Christmas, 1953.....	2287, 2289
CIA (Central Intelligence Agency).....	2308
Clifford, Clark.....	2283, 2332, 2333, 2336-2340, 2342
Cohn, Roy M., testimony of.....	2286-2343
Coleman, Aaron.....	2309, 2324
Communist infiltration of Fort Monmouth radar laboratory.....	2299
Communist literature.....	2311
Communist Party.....	2295, 2299, 2303, 2304, 2311, 2317-2321, 2325, 2336
Communists.....	2295, 2299, 2303, 2304, 2311, 2317-2321, 2325, 2336
Communists in the Army.....	2321
Communists in the executive branch.....	2304
Communists in military defense plants.....	2325
Constitution of the United States.....	2336
Corr, Captain.....	2333
Counselor to the Army.....	2286-2289, 2295, 2296, 2298, 2299, 2322-2325, 2331
Defense Department (United States).....	2387
Department of the Army.....	2280, 2285, 2287-2289, 2293-2295, 2298, 2299, 2304, 2309-2311, 2315-2321, 2324, 2328
Department of Justice.....	2292, 2293, 2307
District attorney's office.....	2293
District of Columbia appropriation bill.....	2335
Eisenhower, President.....	2320
"Espionage-R" (Russian espionage).....	2294, 2295, 2320
Europe.....	2285
Executive order.....	2320
FBI (Federal Bureau of Investigation).....	2278-2294, 2297-2299, 2317-2320
FBI communications.....	2299
FBI confidential document.....	2305
FBI document.....	2290-2294, 2302-2304
FBI files.....	2293, 2307, 2308
FBI informants.....	2290
FBI reports.....	2289, 2297, 2298, 2307
Federal Bureau of Investigation (FBI).....	2280-2294, 2297-2299, 2302-2309, 2317-2320
First Army Loyalty Board.....	2295
Fort Monmouth.....	2294, 2295, 2298, 2299, 2309-2312, 2314, 2316, 2320-2323

	Page
G-2 (Army Intelligence)-----	2294, 2298, 2311, 2319, 2320
Government Printing Office-----	2304, 2306, 2324
Hoover, J. Edgar-----	2293, 2307, 2313, 2319
Hotel Waldorf (New York City)-----	2301
Infiltration of Fort Monmouth radar laboratory-----	2299
Joint Committee on Atomic Energy-----	2308
Juliana, James-----	2314
Justice Department-----	2292, 2293, 2307
Kennedy, Bob-----	2280, 2329, 2333
Lawton, General-----	2311, 2314-2317, 2332, 2333, 2339
Legislative and Judicial Appropriations Subcommittee (Senate)-----	2335
Long Island, N. Y.-----	2310, 2316, 2317, 2320
Loyalty board (First Army)-----	2295
Lustron loan-----	2282
Maryland campaign-----	2283, 2284
McCarthy, Senator Joe-----	2280-2286, 2294, 2295, 2297-2304, 2308, 2309, 2312, 2314, 2317, 2320, 2322, 2325, 2328-2330, 2332, 2334-2342
Military Intelligence (G-2)-----	2204, 2298, 2311, 2319, 2320
Monitored phone calls-----	2300, 2315, 2316
Navy (United States)-----	2289, 2295, 2296
Nike (radar machine)-----	2294
Partridge, General-----	2311, 2319
Pentagon-----	2295
Peress case-----	2321, 2324
Peress, Major-----	2321, 2324
Photographic Laboratory (Signal Corps, Long Island, N. Y.)-----	2310, 2316
Potter, Senator-----	2385, 2330
President of the United States-----	2320, 2330
Radar laboratories (Fort Monmouth)-----	2295, 2299
Radar Nike machine-----	2294
Radar screen and Nike-----	2294
Reynolds, Mr-----	2307
Rosenberg, Julius-----	2317
Rosenberg prosecution-----	2292
Russian espionage ("Espionage R")-----	2294, 2295, 2320
St. Clair, Mr-----	2286, 2331, 2335
Schine, G. David-----	2285, 2301, 2306, 2308, 2311, 2325, 2333
Secretary of the Army-----	2281, 2283-2289, 2295, 2299, 2309-2312, 2314-2325, 2332
Senate Legislative and Judicial Appropriations Subcommittee-----	2335
Senate of the United States-----	2281-2284, 2336, 2337
Signal Corps (United States Army)-----	2310, 2316
Signal Corps Photographic Laboratory (Long Island, N. Y.)-----	2310, 2316
Stevens, Robert T-----	2281, 2283-2289, 2295, 2296, 2299, 2309-2312, 2314-2325, 2332
Symington, Senator-----	2329
Top secret document (FBI)-----	2303
United States Air Force-----	2287-2289, 2293, 2295, 2296
United States Army-----	2280, 2285, 2287-2289, 2293-2295, 2298, 2299, 2304, 2309-2311, 2315-2321, 2324, 2328
United States Army Signal Corps-----	2310, 2316
United States attorney's office (New York)-----	2292
United States Constitution-----	2336
United States Defense Department-----	2287
United States Department of Justice-----	2292, 2293, 2307
United States district attorney (New York)-----	2292
United States Navy-----	2287-2289, 2295, 2296
United States President-----	2320, 2330
United States Senate-----	2281-2284, 2336, 2337
Waldorf Hotel (New York City)-----	2301
Washington, D. C-----	2324
Weston, Jim-----	2328
Zwicker, General-----	2336

SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRETARY OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
S. Res. 189

PART 58

JUNE 9, 1954

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CONTENTS

	Page
Index -----	I
Testimony of—	
Cohn, Roy M., chief counsel, Senate Permanent Subcommittee on Inves-	
tigations -----	23 16
	III

SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

WEDNESDAY, JUNE 9, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:17 a. m., pursuant to recess, in the caucus room of the Senate Office Building, Senator Karl E. Mundt, chairman, presiding.

Present: Senator Karl E. Mundt, Republican, South Dakota; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel; Thomas R. Prewitt, assistant counsel; Charles Maner, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants present: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Joseph N. Welch, special counsel for the Army; and James D. St. Clair, special counsel for the Army.

Senator MUNDT. The committee will please come to order.

The Chair would like to begin this morning by welcoming the guests who have come to the committee room. We are pleased to have you here.

I want to call your attention, if you are here for the first time, to a standing committee rule which has prevailed throughout these hearings. The rule forbids any audible manifestations of approval or disapproval of any kind at any time from our guests in the audience, and the committee has instructed the Chair and the Chair has instructed the uniformed members of the Capitol Police and the plainclothes people scattered in the audience that they are to remove immediately from the committee room, politely but firmly, any one of you who, for reasons best known to yourself, elects to violate the terms under which you entered the room, namely, to conduct yourselves like ladies and gentlemen and to refrain from interfering with the proceedings by making audible manifestations of approval or disapproval.

Now that we understand each other, I am sure all of you will comply with the committee rule just as all your predecessor audiences have complied, with very, very splendid 100 percent cooperation.

As the Chair recalls, at the conclusion of the day it was Mr. Welch or Mr. St. Clair's time to have 10 minutes. So we will begin with them on the go-around.

Before doing so, I should announce that Senator Dirksen is detained at a meeting of the Appropriations Committee, where they are marking up a bill. As announced yesterday, Senator Potter was called out of town but will be back this noon. I am sure that our colleagues, Senator Dworshak and Senator McClellan, will be here shortly.

Now, Mr. Welch, if you want to proceed with 10 minutes, you or Mr. St. Clair, you are recognized first this morning.

TESTIMONY OF ROY M. COHN—Resumed

Mr. ST. CLAIR. Thank you, Mr. Chairman.

Mr. Cohn, yesterday we were on the subject of whether or not Mr. Stevens and Mr. Adams had cooperated with you and Senator McCarthy in the conduct of the Fort Monmouth investigation, and I believe it is fair to state that this question and answer I will read to you pretty well sums up your testimony. If that is not so, I am sure you will tell me.

I asked you:

Well, Mr. Cohn—

This is on page 5825.

Mr. COHN. Go ahead.

Mr. ST. CLAIR (reading):

Well, Mr. Cohn, let me see if we can do this rather simply. Can you tell me whether or not Mr. Stevens and Mr. Adams cooperated with you at Fort Monmouth?

And your answer was:

To some extent yes, and to some extent no, sir.

Is that a fair picture of your testimony yesterday?

Mr. COHN. I don't know if it is fair, Mr. St. Clair. Once again, it is a short answer to a very long problem.

Mr. ST. CLAIR. You will stand by the answer, nevertheless, won't you?

Mr. COHN. With a lot of qualifications which you don't want to hear now. For purposes of moving along, I think it is a pretty accurate summary. As I told you, I think I have said on the record before that, both here and at other meetings, that we have had cooperation. I think I have said on the record, too, that there have been instances in which we have not had cooperation.

Mr. ST. CLAIR. That is what bothers me, Mr. Cohn. You seem to blow a little hot and cold on it. But as of yesterday, under oath, you stated to some extent yes, to some extent no; is that right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Now, yesterday, when we adjourned, I was about ready to read to you a portion of the official reports of this committee for December 8, and I think you looked up your copy of it; is that right?

Mr. COHN. Yes; I did, sir.

Mr. ST. CLAIR. On page 56, I want to read part of it to you, and ask you—if you will follow me, I think maybe we can get along.

Mr. COHN. Sure. Why don't you go ahead?

Mr. ST. CLAIR. It is on page 56.

Mr. COHN. You go ahead. I will have it in a minute.

Mr. ST. CLAIR. This is the chairman speaking:

I think for the record at this time we should make it clear that we have been getting what I consider good cooperation from the Army, and all of the individuals who will be questioned here as to their alleged Communist activities have been individuals who have been in the Signal Corps for a number of years, and the Army has indicated that they are just as anxious to get at the bottom of this as we are; is not that correct, Mr. Cohn?

And, Mr. Cohn, you answered:

Yes, Mr. Chairman, absolutely.

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. You meant there, did you not, to say that the Army had been absolutely cooperative with you in this matter, that is right?

Mr. COHN. The thing speaks for itself. I think the point there was that the people——

Mr. ST. CLAIR. Well, you said it spoke for itself?

Mr. COHN. Sure. The people who were being exposed were people——

Mr. ST. CLAIR. If it speaks for itself, Mr. Cohn, it speaks for itself.

Senator MCCARTHY. Mr. St. Clair, could we possibly have a gentlemen's agreement here that when the witness is answering, even if you don't like his answer, he be allowed to finish his answer?

Senator MUNDT. The Chair believes that that is the procedure, unless the witness consumes too much time in answering. But he does not feel the witness this morning has given any long answers and he thinks it is proper when questions are asked the witness should be given an opportunity to at least conclude a single sentence in reply.

Mr. ST. CLAIR. If the witness wants to go beyond the answer that the document speaks for itself, of course, I will bow to the chairman's rule.

Mr. COHN. All I wanted to tell you, Mr. St. Clair, the point was that people who were being exposed had come in there before the present administration, which is largely correct, and I would further stand by the statement, we have received cooperation in getting these people in and interrogating them, from Mr. Stevens and Mr. Adams. Then, Mr. St. Clair, finally, I was going to direct your attention to the very next day, where in the public record you will find we indicated to Mr. Adams an instance where we thought he was not cooperating with the committee.

Mr. ST. CLAIR. Well, let's follow along. On December 15, in the official record of the proceedings of this subcommittee, which is on page 191, if you care to get it, I would like to read to you another statement from the chairman which apparently was made in your presence, and by the "chairman" I, of course, mean Senator McCarthy, who says as follows:

I may say, just so this will not be interpreted as an attack upon Secretary Stevens, or those who are now in charge, they have been cooperating fully with us, and I think are just as concerned as we are about the very, very unusual picture that is unfolding. More important, they are doing something about it.

And then Senator McCarthy says:

Call the next witness, Mr. Cohn.

You were there when the chairman said that?

Mr. COHN. That was December 15?

Mr. ST. CLAIR. Yes.

Mr. COHN. No doubt, sure.

Mr. ST. CLAIR. You were there, weren't you?

Mr. COHN. If the record says so, I am sure I was.

Mr. ST. CLAIR. And you heard Senator McCarthy say that Mr. Stevens and those in charge had been cooperating fully, and I emphasize the word "fully," Mr. Cohn?

Mr. COHN. Yes, sir; I heard him praise Mr. Stevens on many occasions.

Mr. ST. CLAIR. How do you handle this proposition that under oath you say that they cooperated to some extent, and to some extent they didn't; and yet the chairman, Senator McCarthy, on December 15 said they cooperated fully. Are those consistent statements, to you?

Mr. COHN. Yes, they are.

Mr. ST. CLAIR. Do you consider those to be consistent?

Mr. COHN. Sure. Do you want me to express myself further?

Mr. ST. CLAIR. No. I haven't asked you any further questions other than whether or not you consider those to be consistent.

Mr. COHN. Very well, sir. Any time you want me to answer that, I will.

Mr. ST. CLAIR. Now speaking of the situation at Fort Monmouth, there was a lot of talk about espionage, was there not, Mr. Cohn, during the course of the hearing?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Is it fair to state, so we can cover a rather large subject rather briefly, that espionage being referred to was espionage that had occurred in the past?

Mr. COHN. No, sir.

Mr. ST. CLAIR. That is not fair to state?

Mr. COHN. No.

Mr. ST. CLAIR. Is it your position, Mr. Cohn, that in the course of your hearings you uncovered evidence that you would consider, as a lawyer, evidence of espionage that was currently being committed at Fort Monmouth?

Mr. COHN. Mr. St. Clair, the way I can answer that is this: As I have outlined here in some detail, through the witnesses we had and the evidence we had produced, we uncovered a situation of people who have been found to be security risks with Communist affiliations, disappearance of documents and other things, which certainly would give a reasonable person pause as to whether or not there was current espionage, whether or not the situation was ripe for espionage. The thing that concerned us was, it was a dangerous situation.

Mr. ST. CLAIR. It was a presently existing dangerous situation?

Mr. COHN. Before our investigation, I would say very much so.

Mr. ST. CLAIR. And during the course of your investigation?

Mr. COHN. I would say so; yes, sir.

Mr. ST. CLAIR. You are sure now that you weren't talking about acts that had happened back in prior years?

MR. COHN. No. I think the thing started back when the Julius Rosenberg ring went to work down at Fort Monmouth.

MR. ST. CLAIR. When did Julius Rosenberg go to work at Fort Monmouth?

MR. COHN. As I recall it, he joined the—I could be wrong on this—he joined the Signal Corps around 1940-41.

MR. ST. CLAIR. I am sorry. Go ahead.

MR. COHN. He went to school down at Fort Monmouth. After that he was based at the Sig—he was based at Philadelphia, went to Monmouth from time to time, remained in the Signal Corps working at Monmouth subsidiaries and subinstallations through the year 1945, if I am correct.

MR. ST. CLAIR. As a matter of fact, he was at Fort Monmouth at the school for a period of 10 months in 1941; isn't that right?

MR. COHN. Yes, I think that is right.

MR. ST. CLAIR. Thereafter, he was connected with the Signal Corps in Philadelphia until 1945?

MR. COHN. That is where he might have been based, sir. I know he was over at Monmouth. I know he was at various other Signal Corps installations.

MR. ST. CLAIR. At least until 1945?

MR. COHN. Yes, sir.

MR. ST. CLAIR. When was he apprehended, sir, if you know?

MR. COHN. In 1950, I believe, 1949, or 1950.

MR. ST. CLAIR. 1949 or 1950. And that was certainly long before Mr. Stevens' administration of the Army?

MR. COHN. Oh, yes. I think it was 1950.

MR. ST. CLAIR. I would like to read to you, sir, in view of your testimony that you think you found evidence of espionage, an article from the New York Times, Wednesday, November 18, written by Mr. William R. Conklin, which attributes certain statements to Senator McCarthy. I will read part of it. You will have to trust me to read it accurately.

Robert T. Stevens, Secretary of the Army, agreed yesterday with Senator Joseph R. McCarthy (Republican of Wisconsin) that espionage in the Signal Corps laboratories at Fort Monmouth, N. J., had extended through the postwar years and possibly as late as 1951.

MR. COHN. Yes, sir.

MR. ST. CLAIR. 1951 was long before Stevens' administration of the Army, isn't that right?

MR. COHN. Yes, sir. I would like to look at that article if I may.

MR. ST. CLAIR. Certainly. You may have it. Will you hand it to him?

MR. COHN. Yes. 1951 is before Mr. Stevens' administration. I thought there was something about not knowing when it stopped or how long after the war it continued or something like that, or if it did stop.

MR. ST. CLAIR. Are you trying to say there were suspicions of espionage?

MR. COHN. I think it is a little more than suspicion, sir. I believe we had some witnesses before the subcommittee who refused to tell the subcommittee under oath whether there was espionage at Fort Monmouth—

Senator McCARTHY. Could I see the document?

Mr. COHN. Sure, Senator. Claiming the fifth amendment on questions whether there was espionage at Fort Monmouth or whether they were engaged in a conspiracy to commit espionage at Fort Monmouth on the ground if they answered truthfully their answers would tend to show they were guilty of a crime. Frankly, that was enough to put me on notice there. There were a number of other circumstances.

Mr. ST. CLAIR. Let's examine that, Mr. Cohn. Isn't it true of the thirty-five odd cases that were suspended at Fort Monmouth, not one of them pleaded the fifth amendment?

Mr. COHN. I don't know the names of the 35.

Mr. ST. CLAIR. I didn't ask you the names. Isn't that a true statement?

Mr. COHN. I don't know whether it is or not.

Mr. ST. CLAIR. You are referring to persons who claimed the fifth amendment?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Isn't it true that not one of the employees at Fort Monmouth—may I finish the question?

Senator MUNDT. You may finish the question. The witness may answer.

Mr. ST. CLAIR. I think I would rather stay it.

Senator MUNDT. Very well.

Mr. Jenkins, you have 10 minutes.

Mr. JENKINS. I pass, Mr. Chairman.

Senator MUNDT. Do any of the Senators to my right have any questions?

Any of the Senators to my left have any questions?

Senator SYMINGTON. Yes; I have. I would like to take some of my 10 minutes. I asked for personal privilege and the chairman felt it inadvisable. I would like to take some of my 10 minutes to read a letter, if I may. It is very short.

Mr. Chairman, I have decided to testify under oath before this committee, and, therefore, I am addressing the following letter to Senator McCarthy and I will read it:

DEAR SENATOR McCARTHY: On yesterday you agreed to take the stand to testify under oath with reference to the matters considered by the Subcommittee on Privileges and Elections of the United States Senate. You will recall that this committee was chaired by Senator Hennings and although requests were made to you to appear before it, you persistently refused. You agreed to do this if I would take the stand with respect to my connections and dealings with Secretary Stevens and Mr. Clark Clifford, which have been testified to in the present proceedings. I have considered your statement, and I present herewith a plan by which it can be carried out.

I believe that I will have performed a public service of overwhelming importance if any action of mine can induce you to answer under oath the allegations formally preferred against you by the Senate subcommittee and to which you have heretofore persistently refused to respond, except to denounce the subcommittee.

Accordingly, I propose that we agree on the following points:

1. You will agree to an investigation by a committee of the Senate to be appointed by the Vice President, upon recommendation of the majority and minority leaders of the Senate, despite your previous refusals you will agree to testify under oath before this committee and to furnish all relevant documents and materials without resort to any immunity or privilege. This investigation will cover the following subjects, all of which are included in the report of the subcommittee:

1. Whether, under the circumstances, it was proper for Senator McCarthy to receive \$10,000 from the Lustron Corp.

2. Whether funds supplied to Senator McCarthy to fight communism or for other specific purposes were diverted to his own use.

3. Whether Senator McCarthy used close associates and members of his family to secrete receipts, income, commodity and stock speculations and other financial transactions for ulterior motives.

4. Whether Senator McCarthy's activities on behalf of certain special interest groups such as housing, sugar, and China, were motivated by self-interest.

5. Whether loans or other transactions Senator McCarthy had with Appleton State Bank or others involved violation of the tax and banking laws.

6. Whether Senator McCarthy violated Federal and State corrupt practices act in connection with his 1944-46 senatorial campaigns or in connection with his dealings with Ray Kiermas.

This investigation will commence as soon as the members of the committee are appointed and are available.

If you will agree to the foregoing, I will agree to take the stand in the present proceedings, and to testify as to my conversations and dealings with Secretary Stevens and Mr. Clark Clifford, relating to the events preceding the institution of these hearings. I trust that you will confirm your agreement with this program. If you are in accord, please sign as indicated below.

Senator, here is the letter, and if you will sign it, then we can get this matter settled. [Document handed.]

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator, may I suggest, if you are going to discuss the letter of Senator Symington—

Senator McCARTHY. An important point of personal privilege.

Senator MUNDT. Just a minute. May the Chair suggest if you are going to discuss the letter of Senator Symington, which I think we will all agree has nothing to do with the controversy here or the issues, that you comply with the request of the Chair as Senator Symington did when he asked me earlier this morning for a point of personal privilege. I said:

I don't know how I can grant you a point of personal privilege at the beginning of the session, when nobody said anything about you. I wish you would wait until your time comes.

He agreed to do that. You will have your 10 minutes in about 2 minutes, because it goes directly to you.

Would you agree to that?

Senator McCARTHY. No, Mr. Chairman. This very vicious smear of Mr. Symington's must be answered now as a point of personal privilege. He has raised everything now that the Daily Worker—

Senator MUNDT. The Chair feels that if you feel that it is so important—

Senator McCARTHY. I think, Mr. Chairman, as a point of privilege, I should be allowed to answer this.

Senator MUNDT. There is no question but what your name has been mentioned—

Senator McCARTHY. I am glad we are on television. I think the millions of people can see how low a man can sink. I repeat, they can see how low an alleged man can sink. He has been asked here to come before the committee and give the information which he has in regard to this investigation. He retorts by saying that he wants all of the old smears investigated.

Now, may I say this, Mr. Chairman: If that is necessary in order to get Symington on the stand, that will be done. If the Vice President or the Senate wants to appoint a committee to investigate these

smears, if they ask me to testify, I will, period. And that is a firm commitment.

I will not sign any of Mr. Symington's letters for him. But let me repeat, while this has nothing to do with this hearing, if, in order to get Symington to be a decent, honest individual, and get on the stand here where the subject of perjury—where he will be made to tell the truth so I can cross-examine him, I will do almost anything in the world. If that includes the creation of a special committee, I will now consent to go before that special committee, and I will be glad to answer any of these smears that appeared in the *Daily Worker* or any place else.

Mr. Symington, I think, has intelligence enough to know that what he brings up has nothing to do with this hearing. He knows that now it has appeared crystal clear to the American people that he is the individual who got the chief adviser of the Democrat Party underground to deceive an honest Secretary of the Army, who was not used to the rough, dirty politics he might run into.

Mr. Symington knows that Mr. Stevens offered on at least three occasions to come before the committee and give us the truth. He knows that he urged him not to do that. That is, upon the urging of Clark Clifford.

Now, Symington seems to be deathly afraid of going on the stand and taking the oath. Again I say, Mr. Chairman, if a condition of that is that we will reinvestigate—and I have been investigated about as thoroughly as anyone should be by Mr. Symington's administration, if they had anything against me they certainly would have presented that to a grand jury. They did not.

He now raises the same old smears. As I say, so this will be crystal clear, Mr. Chairman, if it is necessary to form a special committee to reinvestigate those smears, to get Stu Symington on the stand, as I intend to take the stand, as I have taken it, as my Republican colleagues have taken it, I will now make the firm commitment to go before that committee. I will sign no Symington document.

Senator SYMINGTON. Mr. Chairman, I rise to a point of personal privilege.

Senator MUNDT. May the Chair say, Senator Symington—just a minute. The Chair still has the floor.

The Chair is going to recognize you, but the Chair would like to say if we are going to continue this mid-morning madness every morning of first you and then Senator McCarthy saying something about the other and then saying, "I have to have a point of personal privilege," it is very difficult for the Chair to know how to stop that kind of waste of time as far as the rest of the members of this committee are concerned and the country is concerned. I will do the best I can to keep it in balance, and that is all.

Normally when somebody is attacked, a point of personal privilege is granted to the person to defend himself. It is the usual procedure then to give the attacker another point of personal privilege.

What I am trying to do is to do this thing as equitably as I can from the vantage point of the chairman, who believes it is a waste of time and shouldn't take place, but who has no control over the tempers or the dispositions or the words of his colleagues.

So rather arbitrarily—that is all I can do now—is to say I will grant you a point of personal privilege. I suppose you are going to use it

to attack Senator McCarthy, and then he will have to have a point of personal privilege. So whatever time you consume, I will give him, and then grant neither of you any more personal privilege opportunities to continue your personal feud this morning.

Senator SYMINGTON. Mr. Chairman.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. I have listened carefully to what you have said, and I will be glad to wait, in accordance with your wishes, until my time comes.

Senator MUNDT. Thank you very much. I appreciate that.

Senator Dworshak, you have 10 minutes.

Senator DWORSHAK. No questions.

Senator MUNDT. Senator McCarthy, you have 10 minutes in which to interrogate the witness.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Pardon me. I asked the Senators to my left, and I thought you passed, Senator Jackson.

Senator JACKSON. I will waive my time.

Senator MUNDT. Very well, Senator Jackson waives his time.

Senator McClellan?

Senator McCLELLAN. All I wanted to say, I appreciate the Chair—I believe the Chair explained why I was temporarily absent this morning. I was testifying before another committee on a bill that I introduced. I regret to say, Mr. Chairman, that I will have to be absent after 12 o'clock after the Senate convenes. A bill is up in the Senate this morning which will require my presence on the floor.

I do not know how early I can return this afternoon, but that will be the occasion of my absence if I am absent, looking after this legislation. I will have to leave at 12 o'clock.

Senator MUNDT. I am happy that you stated that, and I had mentioned earlier about that.

I should like our television people to understand one thing. We want the country to know there is as much interest in these hearings as far as the Members are concerned as ever. We are reaching that stage in the session of Congress, however, where there are tremendously important bills to be voted on in committee and on the floor every morning and every afternoon, making it virtually impossible for there to be the full attendance at the hearings which has been possible to maintain as a rather unusual record up to now. That is one reason that all of us, I am sure, are conscientiously trying and endeavoring to get a termination date on the hearings and a list of witnesses so we can know and measure our time as against the tremendously important duties all of us have to attend to on the floor of the Senate.

The Chair will excuse any of his colleagues, of course, at any time when they have matters of vital concern to their particular specialization or their particular State. They should be on the floor attending to them.

Senator McCarthy, you have 10 minutes in which to interrogate the witness, if you want to use it. Otherwise, I will be glad to recognize Mr. Welch.

Senator MCCARTHY. Mr. Chairman, the Chair mentioned a personal feud between myself and Mr. Symington. I want to make it clear

there is no personal feud. I have merely been trying to get the information from Mr. Symington. That he has resented a great deal.

Senator MUNDT. The Chair understands that, and I think everybody understands your position and Senator Symington's. I wish you would either interrogate the witness or let Mr. Welch have his time. I wouldn't like to have this explosion erupt again right now if it is avoidable.

Senator McCARTHY. I think, Mr. Chairman, in view of the fact that I have 10 minutes—Mr. Symington read a letter which he had not sent to me, which I have never received, which I assume was prepared either by Clark Clifford or someone from the national committee. Mr. Symington did, again I say, read it rather well.

I believe I am entitled now to mention some of the things—

Senator MUNDT. You recall the Chair did not recognize you on a point of personal privilege.

Senator McCARTHY. I will put this in the form of a question.

Mr. Cohn, if it develops that an individual here who happens to insist on being a judge has a background of having dealt with a man, Mr. Sentner, who got 5 years last week for conspiring to overthrow this Government by force and violence; if it appears that a number of years ago, I don't recall the year—1943—this man Sentner, who has now been convicted, and who at that time made it public and bragged about the fact that he was a member of the Communist conspiracy, called a strike; if it appears that one of the men who asked to be a judge here dealt with that man and the strike was an attempt to get higher wages for the workingman, that they made a deal whereby instead of giving the workingman higher wages, he gave Mr. Sentner a certain amount of money each month out of each man's paycheck which reduced their wages and that on that condition the strike was called off, and that this man who bragged about being a Communist was part of a study club which one of the judges here, who insists upon being a judge, they attended the study club constantly and they announced that one of the things they discussed was the dissolution of the Comintern, the dissolution of the Communist Party and forming the Communist Association, that was a public announcement—would you say that might possibly give some slight tip to the American people as to why that judge this morning comes to the stand and repeats all of the old smears, why he tried so hard and got the chief adviser of the Democrat Party to force an end to our investigation of Communists, which he has succeeded in doing?

That question was too long, Mr. Cohn, and I won't ask you to answer it.

Senator MUNDT. I hope you won't ask the reporter to repeat it, either.

Senator McCARTHY. I have no other questions.

Senator MUNDT. Mr. Welch and Mr. St. Clair, you have 10 minutes.

Mr. ST. CLAIR. Back to the business at hand, Mr. Cohn:

I think my last question to you was if it wasn't the truth that of the 35 persons who were suspended at Fort Monmouth in September and October, not one of them plead the fifth amendment. Did you know that?

Mr. COHN. As far as I know, that is right.

Mr. ST. CLAIR. There were some persons who plead the fifth amendment in the course of those investigations. That is also true, in fairness to you; isn't that right?

Mr. COHN. Yes. It went a little deeper than that, Mr. St. Clair. Some of those persons worked at places near Fort Monmouth which were doing work for Fort Monmouth, such as the Federal Telecommunications Laboratory down at Nutley. I remember on December 16 we had a lady with a top-secret clearance, I believe, who invoked the fifth amendment on conspiracy to commit espionage.

Mr. ST. CLAIR. That was Ruth Levine?

Mr. COHN. Right.

Mr. ST. CLAIR. The Federal Telecommunications Laboratory sounds like—is one of those elusive names. If you listen to it you might think it is a Department of the Government, but it is not, it is?

Mr. COHN. Well, yes and no. It is owned by the International Telephone & Telegraph Co., but I believe it does about 100 percent defense, war work for the United States Government. So I suppose it has that in-between status.

Mr. ST. CLAIR. It is not under the direct control of the Army?

Mr. COHN. No.

Mr. ST. CLAIR. That is right. She pled the fifth amendment, is that right?

Mr. COHN. Yes. By the way, I better say the International Telephone & Telegraph Co. has cooperated fully with us in the investigation of that laboratory.

Mr. ST. CLAIR. This lady had a top-secret clearance, you say?

Mr. COHN. She had a top-secret clearance. Then she was doing work on other secret work. She had pretty much the run of the place, I believe, on secret work.

Mr. ST. CLAIR. I just wanted to ask you this question: That clearance was not clearance given by the Army, was it?

Mr. COHN. I think the top-secret was an Air Force clearance. I think she also did secret work on Army Signal Corps work. I could be wrong.

Mr. ST. CLAIR. I am just trying to get this thing in some understandable form. This young lady did not work at Fort Monmouth. That we agree on?

Mr. COHN. No, she worked at the——

Mr. ST. CLAIR. She had a clearance that was not given by the Army. That we can agree on?

Mr. COHN. No, I can't agree on that. I think I recall——

Mr. ST. CLAIR. All right, if you can't agree we will pass to another thing. And she worked at the Federal Telecommunications Laboratory, which was in Nutley, N. J., some 50 miles away?

Mr. COHN. Right.

Mr. ST. CLAIR. Now, we have had some talk about some other people here who have been alleged to be Communists, and I think so that we can get this thing perhaps back into some perspective, I am now talking about the Voice of America, Information Service, investigation.

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. I think you mentioned the name of a person there that you alleged as a Communist or had that background.

Mr. COHN. No—

Mr. ST. CLAIR. In any event, all I wanted to establish is that that person was not in any way connected with the Department of the Army?

Mr. COHN. I concede that right offhand.

Mr. ST. CLAIR. That is very clear?

Mr. COHN. Sure.

Mr. ST. CLAIR. And that the Government Printing Office investigation we have heard a lot about that. That is likewise in no way connected with the Department of the Army?

Mr. COHN. No, sir. They did some work, secret work, for the Army, but I will agree with you, for the purposes here, it was in no wise connected with our investigation of the Army.

Mr. ST. CLAIR. The responsibility for the security matters of the Government Printing Office did not rest on Mr. Stevens' doorstep, did they?

Mr. COHN. Certainly not primarily; no, sir.

Mr. ST. CLAIR. Now, we were talking about whether or not in the course of your investigations you uncovered any espionage—it has been referred to as current espionage at Fort Monmouth, and I gathered you didn't quite agree with me when I suggested you did not uncover any such evidence, is that correct?

Mr. COHN. I said, sir, it is a topic which is very difficult to define. I told you that there was there, from my experience in espionage—in handling espionage cases—there was there a very dangerous situation. We were very clear that there had been espionage, that it had continued until at least a fairly recent time, and that a potential espionage situation still did exist. It was a bad situation. I am not going to split hairs about it.

Mr. ST. CLAIR. Well, let's don't split hairs, but let's also be fair to both sides. There is always potential espionage in the military as well as in other sensitive portions of the Government.

Mr. COHN. Yes, but this went much further than just a potential that might be any place. There is a specific situation here.

Mr. ST. CLAIR. Well, as the secrecy goes up, the potentialities go up, isn't that right?

Mr. COHN. Even on top of that, sir, there were specific people there who had records and who had done things which would put any security officer on notice.

Mr. ST. CLAIR. Are you referring to Aaron Coleman?

Mr. COHN. I think he is a pretty good example.

Mr. ST. CLAIR. I thought we agreed yesterday that his clearance had been lifted and he had been working in a building not even on the post.

Mr. COHN. Sir, that doesn't mean too much to me.

Mr. ST. CLAIR. All right. It doesn't mean too much to you, but perhaps it means something to other people. Isn't it true that if you had uncovered evidence of espionage, it would have been the duty of the FBI and the Department of Justice to submit that evidence to a grand jury and seek an indictment on it?

Mr. COHN. It doesn't work quite that way, sir.

Mr. ST. CLAIR. You won't answer that yes or no?

Mr. COHN. I wish I could; I can't.

Mr. ST. CLAIR. In any event, insofar as you know, the FBI and the Department of Justice did not submit any of the cases that you uncovered to a grand jury seeking an indictment?

Mr. COHN. For espionage?

Mr. ST. CLAIR. For espionage.

Mr. COHN. I don't know whether they have on not; no, sir.

Mr. ST. CLAIR. You know they did not?

Mr. COHN. No, I don't know they did not.

Mr. ST. CLAIR. You don't know that?

Mr. COHN. No, sir.

Mr. ST. CLAIR. And by the same token, you don't know that they did?

Mr. COHN. That is right, sir.

Mr. ST. CLAIR. And you would trust the judgment of the FBI to evaluate whether evidence constituted espionage or not, would you not?

Mr. COHN. When the facts were given—when the full facts were developed by and given to the FBI by the people having responsibility, I would trust their judgment, on anything.

Mr. ST. CLAIR. Do you think you had facts the FBI did not have?

Mr. COHN. It might be possible, sir, that in the course of our investigation we would develop certain things by use of our subpoena power, which the FBI does not have, which would be helpful to them; yes, sir.

Mr. ST. CLAIR. Did you turn those facts over to the FBI?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Then they did have the facts that you had, is that right?

Mr. COHN. Well, to this extent, sir—

Mr. ST. CLAIR. You turned the facts over to them, you say.

Mr. COHN. When I say we turned the facts over, I believe, sir, we furnished copies of our transcripts to the FBI.

Mr. ST. CLAIR. Well, that is turning facts over, isn't it?

Mr. COHN. Sure.

Mr. ST. CLAIR. In all fairness to you, Mr. Cohn, you did the same thing to the Army?

Mr. COHN. We certainly tried to, sir.

Mr. ST. CLAIR. You furnished transcripts to the Army of what went on?

Mr. COHN. Yes, sir, I believe we did.

Mr. ST. CLAIR. So you now can't tell us whether or not the FBI and the Department of Justice sought indictments against any one then employed at Fort Monmouth?

Mr. COHN. For—do you mean for espionage?

Mr. ST. CLAIR. Yes.

Mr. COHN. No, I can't, sir.

Mr. ST. CLAIR. There has been a lot of talk about General Lawton. I think you and I can agree that he is a fine professional soldier.

Mr. COHN. I certainly believe it, sir.

Mr. ST. CLAIR. You have the authority of no one other than Robert T. Stevens for that?

Mr. COHN. I think it goes beyond being a fine professional soldier. I think he has been a great anti-Communist, which is very important.

Mr. ST. CLAIR. All right, I will go along with you on that.

Now, I believe it is your testimony, sir, that on October 14, in an evening session, General Lawton testified before your committee, on the evening of October 14?

Mr. COHN. That is right, sir.

Mr. ST. CLAIR. If you will wait a minute, I will get the page and follow it.

Mr. COHN. I am pretty familiar with it. Do you want to ask me about what he said on the question of espionage at Fort Monmouth? I am ready to talk to you about that.

Mr. ST. CLAIR. Well, I think I have the transcript. If you will wait just a minute, I will get it. I think it is a little more accurate.

Mr. COHN. Sure. If you want to ask me the questions I will probably give you the answers you want anyway.

Mr. ST. CLAIR. Do you have there the page of the transcript?

Mr. COHN. Yes, I have it, sir.

Mr. ST. CLAIR. What page is it? I have it here. It is 814. Are you ready, Mr. Cohn?

Mr. COHN. Yes, sir. I am asking for something else which I will want to call to your attention in a minute.

Mr. ST. CLAIR. I suggest to you, sir, that you can call things to my attention if they are responsive to questions. Otherwise you will have to wait until a recess.

Mr. COHN. Sure. I am with you now.

Mr. ST. CLAIR. On page 814 of the transcript of that session, the chairman, which is Senator McCarthy, asked this question:

Could you tell us why it is only in the last 2 or 3 weeks that you are getting these effective results?

I think you remember that question.

Mr. COHN. Very well, sir.

Mr. ST. CLAIR. I am sure you do. The answer by General Lawton was:

Yes, but I had better not. I know this so well, but I am working for Mr. Stevens.

I think you remember that answer?

Mr. COHN. Very well, sir.

Mr. ST. CLAIR. Now, I want to ask you, Mr. Cohn, whether when you heard that question and that answer, you thought that General Lawton was being critical of Robert T. Stevens.

Mr. COHN. I would answer it this way, Mr. St. Clair—

Mr. ST. CLAIR. Well, first, you know in the past we have had the rule that you have to answer "Yes" or "No," but then go and say anything you want.

Mr. COHN. Surely.

Mr. ST. CLAIR. Will you try and follow that rule?

Mr. COHN. Surely, I will, sir. The answer is "Yes." I think he was. In giving a truthful answer he had to be critical of the people for whom he worked who had made it difficult for him to suspend pro-Communists in the radar laboratories. I think he was reluctantly critical and critical in response to a question which he had answered.

Mr. ST. CLAIR. You think he was reluctantly critical?

Mr. COHN. I do, sir.

Mr. ST. CLAIR. Let me read you the preceding question. The Chairman, which is Senator McCarthy:

And you have the complete cooperation of the Secretary of the Army in this, I understand?

And General Lawton answered—

Absolutely, and things are moving.

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. In the preceding question do you think that General Lawton was being critical of the Secretary of the Army?

Mr. COHN. I think the—

Mr. ST. CLAIR. Can you answer that in accordance with the usual rule, either "Yes" or "No," but, and then say anything you want?

Mr. COHN. No, I think what he was saying there is, in the whole thing, is that when Senator McCarthy entered the picture and put the pressure on Mr. Stevens about the situation, Mr. Stevens then began to cooperate and things were moving. But before Senator McCarthy came along, nobody could get anything done.

Mr. ST. CLAIR. So that the net effect of it is, as you heard it then, and mind you, you were there and I was not, that this general was being critical of the Secretary of the Army?

Mr. COHN. No, sir; the net effect of it, to me, was that General Lawton said:

I have known about this security risk, Communist infiltration situation for a long period of time. I have been able to do something about it only in the past 2 or 3 weeks, since Senator McCarthy and his committee came on the scene. Since they came on the scene, I have been getting cooperation from Mr. Stevens and his outfit. Before that I wasn't getting help from anybody.

Senator MUNDT. Your time has expired.

Mr. Jenkins?

Mr. JENKNS. Pass, Mr. Chairman.

Senator MUNDT. The Chair will pass.

Senator McClellan?

Senator McCLELLAN. Pass.

Senator MUNDT. Senator Dworshak?

Senator DWORSHAK. Pass.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Pass.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Mr. Chairman, I have a few notes here.

First, these charges presented in a new diversion and a new attack against me by Senator McCarthy, were presented to the people of Missouri in the main on television by Senator McCarthy in the 1952 campaign, and I am reassured by the fact they will think as little of them now as they did then.

Now let me get my notes together here, which I have written hastily.

Mr. Sentner was the head of the United Electrical Workers. He was the international vice president in Missouri. By law he had represented for some time the people in the plant that I went to originally. Everybody knew that he was the head of the Communist Party in that part of the United States, because he often said so.

As soon as any war work came into my plant, I believe in 1940, with respect to Mr. Sentner and all other subversives I worked very closely with the FBI. The charge that any money ever in any way passed between Mr. Sentner and me is totally and completely false, just another diversion and just another attack.

The meetings referred to by Senator McCarthy which I at times attended with Mr. Sentner were also attended by leading citizens, Republicans and Democrats, of St. Louis. They were instigated and chaired by one of the most beloved men that I have ever known, Bishop Emeritus Will Scarlett, of Missouri, formerly bishop of Arizona.

I would ask anybody who has any questions about that beloved clergyman to ask Senator Barry Goldwater of Arizona what he thinks about him.

I might add that Bishop Scarlett was not on the list of Episcopal clergy drawn up in a recent controversial article by Mr. J. B. Matthews.

Finally, Mr. Chairman, there was never a step taken with respect to these negotiations that wasn't approved in its entirety, if it was of any importance—negotiations in my plant—by one of the greatest Americans that I have ever known and one of the men who have suffered as much from the Communists as any man I know—Mr. James Carey, the head of the United Electrical Workers or, rather, the new union that took its place. They nearly destroyed him. He won out. He knows this story in complete detail, and I would suggest most earnestly to the Chair that in order to clarify some of the terrible passions that are sweeping through the people at these hearings, that he be called before the committee to tell the truth with respect to this latest diversion and this latest attack on me.

Someone handed me, days ago, a little card that I would like to read to the American people.

It would appear that some, under the guise of being the foremost anti-Communist, are doing the work of the Communist movement in this country.

Mr. Chairman, I have no questions to ask of Mr. Cohn, but I would ask the Chair, especially because of these dreadful attacks that have been made upon me by the Senator from Wisconsin—I would ask the Chair to ask the Senator if he will sign the letter so we can both testify under oath to the points which both of us think are most important.

Senator MUNDT. The Chair will have to say, in all due deference to his colleague from Missouri, that he realizes, as I am sure the Senator from Missouri must realize, that the charges dealing with Bill Sentner and some unnamed company of which, apparently, the Senator from Missouri—

Senator SYMINGTON. Oh, no, the company is not unnamed. If you remember, the other day when the question of Mr. Greenglass and Mr. Rosenberg was brought in, the company "Emerson" was named, and several people, including you—may I complete the statement—several people, including you, said it was too bad those Communists had worked in my plant. The facts are that I never had anything to do with that company in any way, of any kind whatever. I never owned a share of stock in it. I never worked for it an hour, a day, or a minute. That is the Emerson Radio Co.

The company we are now talking about—and I take pleasure in telling the American people about it, because I worked with it and for it with great pride—is the Emerson Electric Manufacturing Co. of St. Louis.

Senator MUNDT. Very well. That isn't going to change the Chair's ruling at all. It is the Emerson Electrical Co., then.

I don't want to get into an argument with the Senator from Missouri. I don't want to make him any wager. But I will tell him what I will do. I will give him a nice, brand-new five dollar bill if he will find anyplace in the record where I said anything about its being too bad that Communists were working in his plant, if that is what he thinks I said.

Senator SYMINGTON. He didn't say it in the record. He turned to me and said, "Did you hear Roy just mention your plant?"

Senator MUNDT. Yes. I thought you would want to know about it.

Senator SYMINGTON. May I say, I hope the chairman always stands beside what he says, regardless of whether it is on the record or off the record.

Senator MUNDT. Surely I will. I will not even go so far as to repeat what you made me promise not to say.

Senator SYMINGTON. I will repeat it. I asked you not to mention it; that a mistake had been made, because when Mr. Cohn came up to me, also off the record, and said, "I am sorry that I had to mention your plant," I said, "Roy, I am too."

Senator MUNDT. Very well.

Now back to the ruling. The Senator from Missouri certainly realizes, and I am sure his colleagues realize, that any altercation that grows out of some experiences between Senator Symington and Bill Sentner and this Emerson Radio or Electrical Corp.—

Senator SYMINGTON. Please, Mr. Chairman, get it right. Emerson Electric Manufacturing Co. of Missouri.

Senator MUNDT. Very well. Stuart Symington, president.

Senator SYMINGTON. Former president and sometimes wishes he still was.

Senator MUNDT. Very well.

At least that dispute is certainly not one of the problems to be adjudicated by this committee. Neither are the matters that you mentioned in your letter to Senator McCarthy problems to be settled by this committee. So the Chair is not going to recommend as far as he is concerned that we bring in Mr. James Carey or any of the other people who might testify on altogether irrelevant controversies existing between you and the Senator from Wisconsin.

Senator SYMINGTON. Mr. Chairman, since your comments are taken out of your time—

Senator MUNDT. You had discontinued your time and said you would yield.

Senator SYMINGTON. I beg your pardon. I did not.

Senator MUNDT. Very well. They will not be taken out of your time.

Senator SYMINGTON. Thank you very much.

First, all I was trying to do was to accede to the agreement which was suggested in combination by Senator McCarthy and me, and I would like to know if he would like to sign that letter and if he will sign that letter.

Secondly, I think it is most extraordinary, considering the fact that we have tried practically every Communist in America in these hearings, when an attack is made against me of this character, not to call a great American who could answer all the charges himself far better than I could, because he is so much closer to the problem. I therefore respectfully question the Chair's decision immediately in this matter not to call Mr. Carey. I again ask that Mr. James B. Carey, secretary of the CIO, be called to answer this latest attack upon me made by the Senator from Wisconsin.

Senator MUNDT. The Chair will have to give the same answer on the same basis, that if he were to call all of the witnesses to answer all of the charges that Senator McCarthy has made against you and all of the witnesses to answer all of the charges that you have made against Senator McCarthy, we would be here well beyond that November 4 date that Senator Potter has suggested might conceivably be the target date for adjourning these hearings, as far as some members are concerned. Those are completely irrelevant controversies.

Senator McCARTHY. Mr. Cohn—

Senator MUNDT. You have 10 minutes.

Senator McCARTHY. Mr. Cohn, Mr. St. Clair read to you from an article by Mr. William Conklin. I will requote what he read:

Robert T. Stevens, Secretary of the Army, agreed yesterday with Senator Joseph R. McCarthy, Republican of Wisconsin, that espionage in the Signal Corps laboratory at Fort Monmouth, N. J., had extended through the postwar years and possibly as late as 1951.

Mr. St. Clair omitted the following quoting Mr. Stevens:

There was espionage in the Signal Corps at Fort Monmouth in the late stages of the war, and in later years, he said. Whether it was cut off in 1949, 1950, or 1951 is difficult to determine.

Still quoting Stevens:

When I stated at a press conference last Friday that the Army has no proof of current espionage, I want to make it unmistakably clear that I was speaking of the Army investigation only and not of the inquiry by the Senate Permanent Subcommittee on Investigations, of which Senator McCarthy is chairman.

Then, he was asked this question:

The implication has been drawn from your press conference that you said that there had been no espionage at Fort Monmouth since the war years.

The reporter told the Secretary:

That is entirely incorrect. As the record of that conference will show, he replied.

Then, dropping down to the subhead:

Torpedo secrets missing: A former security officer in the General Electric plant at Schenectady, N. Y., testified yesterday that 20 to 30 secret documents on a new type of torpedo had been found missing in August 1952. Senator McCarthy said evaluation of these documents resulted in the conclusion that they were sufficiently revealing to compromise the entire torpedo project.

Now that I have read the entire—not all the article, but the meat of it, would you say that is roughly what Secretary Stevens said that day?

Mr. COHN. That is about it, sir.

Senator McCARTHY. And that he said that he didn't know whether espionage, as he said, whether it was cut off in 1949, 1950, 1951, it is difficult to determine?

Mr. COHN. Yes, sir.

Senator McCARTHY. Also, Mr. Cohn, Mr. St. Clair makes much of the point that there were no indictments for espionage, and again brings J. Edgar Hoover into this matter. Is it correct that there has been no conviction for espionage since back some time in 1942 or 1943?

Mr. COHN. I think that is right, sir.

Senator McCARTHY. In other words, the German cases in the early 1940's?

Mr. COHN. I think that is right, sir.

Senator McCARTHY. And even the Rosenbergs were not convicted of espionage?

Mr. COHN. No, they were not, sir.

Senator McCARTHY. They were convicted of conspiracy to commit espionage?

Mr. COHN. That is right. They were not convicted of espionage. They were convicted of conspiracy to commit espionage. There are a lot of elements of technical proof involved under the espionage statute.

Senator McCARTHY. Is it correct to assume, Mr. Cohn, that in view of the fact that all of the 35 individuals who were suspended had Communist background, some of them of long standing, that the reason, of course, for their suspension was the fear that they might be committing espionage?

Mr. COHN. Yes, sir. That is certainly one. And as I say, in some cases it went further than that. There was a case of actual disappearance of documents and removal of documents.

Senator McCARTHY. And, again—

Mr. COHN. And there were other things which I don't want to go into any detail on.

Senator McCARTHY. It is almost impossible, is it not, to get a conviction for espionage unless you have a number of witnesses actually see the man take the material and hand it over to a foreign agent?

Mr. COHN. Yes, sir, and that is not even enough. There are other elements of technical proof under that statute which make the problem a very, very difficult one.

Senator McCARTHY. But if you have Communists handling secret radar material, that radar material is, in effect, in open conduits, available to the Communist Party?

Mr. COHN. Yes, sir. I think that any distinction would be just splitting hairs about it. There was a dangerous situation, a badly dangerous situation.

Senator McCARTHY. Now, Mr. St. Clair seems to try to minimize the fact that a fifth-amendment Communist was found in Telecommunications Laboratory. I gather he feels that unless the spies are at Fort Monmouth, they are not important. I may be doing him an injustice by that. He said it was 50 miles away from Fort Monmouth. A Communist spy would be just as dangerous in the Telecommunications which is handling Signal Corps work, handling work from Fort Monmouth, as though that spy were on the physical plant at Fort Monmouth?

Mr. COHN. The distinction as to whether they worked at Fort Monmouth or 50 miles away, or were based at Fort Monmouth or based with the Army Signal Corps is to me a very unimportant distinction, sir.

Senator McCARTHY. And this individual who was handling top secret work, had top secret clearance, and which means a clearance known in this room to be the highest clearance you can get, was working in the Telecommunications until the day that we asked the security officer to produce her?

Mr. COHN. That is right, sir. It was the middle of December of this past year, just a few months ago.

Senator McCARTHY. December 13, I believe, to be accurate.

Mr. COHN. That is right, sir.

Senator McCARTHY. And she appeared on December 16 and refused to tell whether or not she was engaged in a conspiracy to commit espionage?

Mr. COHN. Yes, she did. She invoked the fifth amendment on whether or not she was engaged in a conspiracy to commit espionage and on a lot of other things.

Senator McCARTHY. And we explained to her, as you will recall, that she could not refuse to testify regarding espionage unless she felt that her answer might honestly incriminate her?

Mr. COHN. Yes, sir.

Senator McCARTHY. And then she refused to tell us whether she had been giving secret material to people known to her to be agents of Communist Russia?

Mr. COHN. Yes, sir.

Senator McCARTHY. She refused on the grounds of self-incrimination?

Mr. COHN. That is my recollection, sir.

Senator McCARTHY. I note Mr. St. Clair also tries to minimize the fact that Mr. Coleman's secrecy clearance has been lifted. Actually, he was working on the post, associating with individuals who had secrecy clearance, and to all intents and purposes apparently had about as much access to secret material, practically as much, as when he was physically working on it himself?

Mr. COHN. Sir, that is particularly true in Mr. Coleman's case, because his past records showed that he was not above asking other people to take classified information from the laboratory and give it to him.

Senator McCARTHY. Just one other question: Senator Dworshak yesterday raised a very important question, and could I have your attention, Senator? He raised a very important question, and that was the question of the fifth-amendment Communist doctor. Is it correct that the investigation has shown that this fifth-amendment Communist, who had gone to a Communist leadership school, not just a rank and file Communist, that he had been scheduled to go to Yokohama, Japan, and that when he got to Seattle, Wash., his orders were changed with no apparent reason for their being changed?

Mr. COHN. That is right, sir.

Senator McCARTHY. In fact, the only reason he could think of was that his wife and daughter had been going to a psychiatrist, and he couldn't even think of the name of the psychiatrist that they had been visiting?

Mr. COHN. That is right, sir.

Senator McCARTHY. And beyond that he had nothing to make this a hardship case?

Mr. COHN. No, sir.

Senator McCARTHY. And our investigation showed that just a vast number of young men, with real hardship cases, who applied for state-side duty were refused, while this Communist on this phony excuse got a plush berth back at Camp Kilmer?

Mr. COHN. Yes, sir.

Senator McCARTHY. The Senator raised the question of whether or not a Congressman could have succeeded in getting this special consideration. I don't think anyone tried to tell this committee that they knew how effective the Congressman was——

Senator MUNDT. The Chair rules that the Congressman's name will not be injected.

Senator McCARTHY. It will not be. But the only information we had about the Congressman was that he made the application. We don't know whether that was just a routine request that came from his office, whether he knew that the letter was signed or not. But when we asked the fifth-amendment Communist major whether it was some member of the Communist Party who actually helped him get his orders changed, he refused to answer on the ground that his answer might tend to incriminate him, is that right?

Mr. COHN. That is my recollection; yes, sir.

Senator McCARTHY. So as of now, neither you nor I nor anyone on the staff have anyway of knowing of what importance the Congressman's request was, whether it was made by his office, whether he made it himself, whether it was a routine request, or whether he took an active part in the change of duty.

Mr. COHN. We don't have the final answer on that; no, sir.

Senator McCARTHY. I ask those questions, incidentally, in view of the question that Senator Dworshak raised yesterday, and I think it was a good question raised by the Senator.

No further questions, Mr. Chairman.

Senator MUNDT. Very well. The answers to most of your questions are in the envelope sealed up carefully. You still have that, Mr. Jenkins?

Senator McCARTHY. We hope.

Mr. JENKINS. Mr. Chairman, I am in the position of a man who is holding a tiger by the tail. It is dangerous to hold him. It is dangerous to turn him loose. In my case it seems it is impossible to turn him loose.

Senator McCARTHY. May I say, Mr. Chairman, I will be very surprised if there is any information in that envelope.

Senator MUNDT. Mr. Welch or Mr. St. Clair, you have 10 minutes.

Mr. ST. CLAIR. Mr. Cohn, you don't think that I have been trying to minimize the danger of a Communist in Government, do you?

Mr. COHN. I am sure you wouldn't want to, sir.

Mr. ST. CLAIR. It is apparent to me, at least I hope I have been trying to get the idea across, I just want to get these things spread out so we can determine responsibility for them and not lump them all together. That is right, isn't it?

Mr. COHN. I am sure it is.

Mr. ST. CLAIR. You said that there was no evidence of espionage or at least no indictments for espionage, and you quite properly point

out to me that espionage and conspiracy to commit espionage are different things. I agree with you.

Did you uncover any evidence that would back up or even support an indictment for conspiracy to commit espionage?

Mr. COHN. Sir, there was sufficient evidence for us to submit it to the FBI.

Mr. ST. CLAIR. And did the FBI, to your knowledge, take any action?

Mr. COHN. I assume that they are taking action.

Mr. ST. CLAIR. You assume that they are, but as of this moment you know of no action?

Mr. COHN. I know—the only thing I would know about, Mr. St. Clair, were if there were a public indictment. I know of no such public indictment at this time.

Mr. ST. CLAIR. We were talking about General Lawton.

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. I think you testified that General Lawton's testimony on the night of October 14, you considered was critical of Secretary Stevens.

Mr. COHN. I said, sir, that he—maybe I should not characterize what General Lawton said. The picture he was trying to convey was that he knew about the situation, he had been trying to do something about it. It was only when Senator McCarthy and the committee came on the scene that he had any success in doing something about it. That is what he said.

Mr. ST. CLAIR. As a matter of fact, General Lawton, in making the reference that he had better not talk to you, was really saying in substance, "I am bound by security regulations, and therefore I can't tell you some of these things." Isn't that what he said, in substance?

Mr. COHN. He said what he said, sir. You are asking me to read his mind about that, and I think that is a question which only General Lawton can answer.

Mr. ST. CLAIR. You and I know that when you read a transcript in cold, hard print, it doesn't always read the way it was said. I have the transcript here, and I wasn't there, so I have to interrogate you as to whether or not it isn't the fact that General Lawton really meant to convey the thought, as far as you know, that he was bound by security regulations and couldn't answer all the questions?

Mr. COHN. I can only give you an opinion on that, Mr. St. Clair.

Mr. ST. CLAIR. You were there. I would like your opinion, sir.

Mr. COHN. My opinion was that that was not what he meant.

Mr. ST. CLAIR. Thank you.

Mr. COHN. You are welcome.

Mr. ST. CLAIR. That was on October 14; right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. I believe in one of the memoranda that has been submitted to the press and has been brought into evidence here, it is stated that you and the Senator thought that Secretary Stevens was incensed about this testimony. I think I use the right word, don't I?

Mr. COHN. You might very well be right, sir. Yes; December 17.

Mr. ST. CLAIR. December 17. The reference is to the fact that the Secretary was incensed about this testimony, isn't that right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. As a matter of fact, Mr. Cohn, the first time—and you so testified, I believe—that the question of removing General Lawton was brought to your attention or the Senator's, was on November 24?

Mr. COHN. That is the first time that there were actual plans to remove him, that I knew of.

Mr. ST. CLAIR. That you knew of?

Mr. COHN. Yes.

Mr. ST. CLAIR. It was first brought to your attention at that time?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Between October 14 and November 24, it is a fact, is it not, that General Lawton made speeches about certain large universities in this country?

Mr. COHN. I do know, sir—I would rather get——

Mr. ST. CLAIR. Certainly, you may look at anything you like.

Mr. COHN. I know that he had some staff conferences with people up at Fort Monmouth in which he discussed the investigation.

Mr. ST. CLAIR. And that included the university you went to and the one I went to, didn't it?

Mr. COHN. Yes, sir; I think it did.

Mr. ST. CLAIR. What was the name of that?

Mr. COHN. I don't know where you went, Mr. St. Clair. I think it is Harvard, is that right?

Mr. ST. CLAIR. You went to Columbia?

Mr. COHN. I went to Columbia.

Mr. ST. CLAIR. Both fine institutions.

Mr. COHN. I am sure they are fine institutions, sir. I would say——

Mr. ST. CLAIR. We don't have to argue.

Mr. COHN. I would say if they had a little prompter action in kicking out some Communist professors, I would be much happier about them.

Mr. ST. CLAIR. Let's not argue. Your friend Dave Schine went to Harvard, too?

Mr. COHN. I am sure you are right, sir.

Mr. ST. CLAIR. Let's not argue about it. When did these speeches occur?

Mr. COHN. Would you give me about a minute to look at something here, and then I will try to answer your question.

Mr. ST. CLAIR. My time is up, anyway.

Senator MUNDT. No; your time is not up. We will take time out so he can identify the evidence.

Mr. ST. CLAIR. Oh, certainly.

(Mr. Cohn examining documents.)

Senator MUNDT. You have 5 more minutes, Mr. St. Clair.

Mr. ST. CLAIR. If I could help you in any way, Mr. Cohn, I would be glad to.

Mr. COHN. I will be with you in just 1 minute.

(Mr. Cohn examining documents.)

Mr. COHN. O. K., sir.

Senator MUNDT. Time back in again. Go ahead.

Mr. ST. CLAIR. It was sometime about the middle of November; wasn't it?

Mr. COHN. I don't know the date. Whatever you say.

Mr. ST. CLAIR. Mr. Juliana can help you.

Mr. COHN. I will take your date.

Mr. ST. CLAIR. Mr. Juliana has a photostat of a document which will help you. What is the date on it?

Mr. COHN. The middle of November would be fine.

Mr. ST. CLAIR. Is that all right with you?

Mr. COHN. Yes.

Mr. ST. CLAIR. I want to be very fair with you. It wasn't until after the announcement of those speeches came along that you heard anything about relieving General Lawton; isn't that so?

Mr. COHN. You are confining yourself to the question of actually relieving him?

Mr. ST. CLAIR. That is right.

Mr. COHN. That is right. I had heard nothing about it before.

Mr. ST. CLAIR. That is right. If the Secretary was particularly incensed about the testimony on October 14 to the extent that he was going to relieve the general for that, he is pretty slow to anger; isn't he, Mr. Cohn?

Mr. COHN. I wouldn't say so, sir.

Mr. ST. CLAIR. From October 14 to November 24 is about 40 days; isn't it?

Mr. COHN. A lot happened during those 40 days, sir.

Mr. ST. CLAIR. That is right. A lot happened, and one of the things that happened was certain speeches were made about certain universities.

Mr. COHN. Other things had happened, sir. I am sure you want—

Mr. ST. CLAIR. I will give you every chance, as you know, to say everything you want, but I must insist you answer my question first.

Mr. COHN. I am trying to answer this. You said a lot of things happened, and I am trying to tell you what happened.

Mr. ST. CLAIR. I didn't ask you what happened.

Mr. COHN. May I tell you what happened?

Mr. ST. CLAIR. After I am through, sir, you can do anything you want as far as I am concerned, but I assume the chairman is still running the committee.

Mr. COHN. I am not disputing that in any way, sir. I am merely saying I would like to give you a full answer to your question.

Mr. ST. CLAIR. I am sure you would. I am simply asking you if it isn't true that one of the things that happened is that certain speeches were made about certain large universities.

Mr. COHN. No, sir; it is not.

Mr. ST. CLAIR. That is not one of the things that happened.

Mr. COHN. The speeches were not about large universities.

Mr. ST. CLAIR. In part at least?

Mr. COHN. I wouldn't even say in part.

Mr. ST. CLAIR. You will now take the position that General Lawton never mentioned any universities in his speech?

Mr. COHN. I would say he did mention them.

Mr. ST. CLAIR. He didn't mention them in a complimentary way, did he?

Mr. COHN. I don't think he mentioned them in a derogatory way, sir.

Mr. ST. CLAIR. You don't?

Mr. COHN. I do not.

Mr. ST. CLAIR. To infer that they teach communism is not very complimentary?

Mr. COHN. I don't believe he said that, sir.

Mr. ST. CLAIR. All right. Anyway, it was after those speeches that you first heard of any plans to relieve him, isn't that right?

Mr. COHN. Chronologically, yes.

Mr. ST. CLAIR. Chronologically, yes. And you heard of no plans to relieve him before those speeches, isn't that right?

Mr. COHN. I heard no definite plans to relieve him. I heard plans about other things.

Mr. ST. CLAIR. All right, but I am talking about plans to relieve him. Is that right?

Mr. COHN. Sir——

Mr. ST. CLAIR. And it is your testimony—I am sorry. Did you want to make an answer?

Mr. COHN. Yes. What I am trying to tell you, Mr. St. Clair, is that a lot of things happened, a lot of action was taken against General Lawton during those 40 days, leading up to his eventual removal. They ordered him—they told him he could no longer come to executive sessions of our committee, that he could no longer submit questions to these people who had Communist records; they told him he couldn't get up and talk to David Greenglass; they told him he could not in any way get direct, first-hand information on Communist infiltration at the laboratories at Fort Monmouth.

He had his wings clipped and he was humiliated in one way after another during those 40 days.

Mr. ST. CLAIR. Are you through?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. It still remains true, does it not, Mr. Cohn, that you heard of no plans to relieve General Lawton until after certain speeches were made?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. And that you heard of no plans to relieve him before those speeches were made?

Mr. COHN. That is right, sir.

Mr. ST. CLAIR. Do you still say that General Lawton was to be relieved because of his cooperation with your committee?

Mr. COHN. I don't have the slightest doubt in my mind about it, sir.

Mr. ST. CLAIR. All right. Even though the testimony that you pin that on occurred more than 40 days before you first heard that he was going to be relieved.

Mr. COHN. I don't pin it only on that testimony. I pin that on——

Mr. ST. CLAIR. Primarily on that testimony?

Mr. COHN. No, sir, I pin that——

Mr. ST. CLAIR. The memorandum said that the Senator thought that the Secretary was incensed about it, isn't that right?

Mr. COHN. I am pinning that on what John Adams told me, told Senator McCarthy, told Frank Carr, and undoubtedly told other people.

Mr. ST. CLAIR. Yes, but this memorandum of December 17 simply says that apparently they were particularly—particularly, mind you—

incensed about Lawton's statement in executive session that it was impossible to get necessary cooperation for the cleanup until our committee hearings commenced—

Isn't that right?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Now, whoever wrote——

Senator MUNDT. Your time has expired.

Mr. ST. CLAIR. May I finish the question?

Senator MUNDT. You may.

Mr. ST. CLAIR. Whoever wrote that memorandum had in mind that that is what he was pinning it on, isn't that right?

Mr. COHN. One of the things, sir, yes.

Mr. ST. CLAIR. It is the only thing he mentioned.

Mr. COHN. Pardon me?

Mr. ST. CLAIR. It is the only thing he mentioned.

Mr. COHN. No; I think he said particularly——

Mr. ST. CLAIR. My 10 minutes are up.

Mr. COHN. He said particularly, and that means other things and I can tell you what they were.

Mr. JENKINS. I pass, Mr. Chairman.

Senator MUNDT. The Chair passes. Anyone to my right?

Anyone to my left?

Senator McCarthy?

Senator MCCARTHY. Mr. Chairman, I haven't any questions to ask. However, Mr. Cohn will be leaving the committee Friday to go to Camp Kilmer, and I assume the committee will not be able to continue with one of the principals absent. For that reason, I will desist and hope that finally, at long last, maybe my two good friends over here, representing Mr. Stevens and Mr. Adams, will ask questions that have to do with the issues so that we can get through with some of the witnesses before Mr. Cohn leaves Friday. I think we have had a great waste of time involved in giving up our 10 minutes so that you might cover the issues. You have not been doing that.

Senator MUNDT. Mr. Welch or Mr. St. Clair, you have 10 minutes.

Mr. ST. CLAIR. Well, let's see where we were. On this occasion of November 24 and 25, Mr. Cohn, when you say Mr. Adams talked to you about relieving General Lawton, was Mr. Carr present?

Mr. COHN. I am sure he heard some of the discussion, sir.

Mr. ST. CLAIR. You are sure of that?

Mr. COHN. Yes, sir, I am. I am reasonably sure. I am reasonably sure of that. We will put it that way.

Mr. ST. CLAIR. Now, I want to talk to you about an entirely different subject. Perhaps not as earth-shattering as some that have already been talked about, but I think of some importance. You recall the occasion of October 21 on which you testified that Mr. Adams asked you to get some tickets to a fight?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. You said that on that occasion, Mr. Adams, Mr. Carr, and yourself were present? You went to the fight?

Mr. COHN. There was a fourth person at the fight.

Mr. ST. CLAIR. There was a fourth person, yes. Who was that?

Mr. COHN. Pardon me?

Mr. ST. CLAIR. Who was the fourth person?

Mr. COHN. I don't know his name. He was a friend of Mr. Carr's. You will have to ask him.

Mr. ST. CLAIR. A friend of Mr. Carr's?

Mr. COHN. Yes, sir.

Mr. ST. CLAIR. Now, that person remained with you almost throughout the entire evening, did he not?

Mr. COHN. No, sir. Mr. Adams, Mr. Carr and I came up from Washington on the plane together. The fourth person was not there. We went to my house for dinner. That fourth person was not there. We spent some time after dinner; he was not there. As I recall it, Mr. Carr left the ticket for him at Mr. Adams' hotel on the way to the fight and he joined us at the fight some time——

Mr. ST. CLAIR. And remained with you through the balance of the evening?

Mr. COHN. Later. I am inclined to think that he did not, sir. I am not sure about that, though.

Mr. ST. CLAIR. Well, now, incidentally, you testified, I believe, you paid for those tickets?

Mr. COHN. Yes, I did.

Mr. ST. CLAIR. Did you tell Mr. Adams that you paid for them?

Mr. COHN. Yes, I did.

Mr. ST. CLAIR. On that occasion?

Mr. COHN. I am sure I did.

Mr. ST. CLAIR. Then the question for paying for the tickets came up on that occasion, did it not?

Mr. COHN. No, there was no—he asked me to get the tickets and there was some discussion.

Mr. ST. CLAIR. Did you tell him you paid for them on that occasion?

Mr. COHN. There was some discussion before I got the tickets as to how the tickets were going to be gotten. He asked if I could get them free. He asked something else——

Mr. ST. CLAIR. What did you answer to the first question?

Mr. COHN. I told him I didn't think I could, but that I would get the tickets.

Mr. ST. CLAIR. I take it you say he was your guest on that occasion so you don't want to raise any issue about it, is that right?

Mr. COHN. About his not paying for the ticket?

Mr. ST. CLAIR. No.

Mr. COHN. None at all, sir.

Mr. ST. CLAIR. Did he also ask you to get a hotel room for him that evening?

Mr. COHN. He had asked me to get a hotel room for him, sir. I am not sure whether it was that evening. I think it probably was.

Mr. ST. CLAIR. If I would suggest to you that it was, would you agree with me?

Mr. COHN. Well, there were 2 or 3 times he asked me to get hotel rooms for him. This certainly might have been one of the occasions; yes, sir.

Mr. ST. CLAIR. When did he ask you that?

Mr. COHN. About the hotel rooms?

Mr. ST. CLAIR. Yes.

Mr. COHN. There were at least 2 or 3 times.

Mr. ST. CLAIR. No, on October 21.

Mr. COHN. I don't remember.

Mr. ST. CLAIR. Was it before you went to New York?

Mr. COHN. I imagine so. I don't remember.

Mr. ST. CLAIR. And did you make a reservation for him?

Mr. COHN. If he asked me to, and he got it, I am sure I did.

Mr. ST. CLAIR. Did he ask you anything about you paying for that room or anything?

Mr. COHN. Pardon me?

Mr. ST. CLAIR. Did he ask you to pay for that?

Mr. COHN. There was a discussion, and I am not sure that this was the occasion, Mr. St. Clair, although it very well might have been and probably was. Mr. Adams said the first time he was in New York, at the Waldorf, I believe, and he found it was rather expensive. He then asked me if Dave Schine could not get a rate at some other place, because Dave was in the hotel business. I agreed with him the Waldorf probably was expensive. I spoke to Dave—I don't know whether I talked to Dave personally, I talked to Dave's office about it, and it occurs to me that they made a reservation for him at the—

Mr. ST. CLAIR. Drake Hotel?

Mr. COHN. At the Drake Hotel. It also occurs to me on that that Mr. Adams said if there were to be a discount or something like that he did not want the bill sent to Dave Schine, he would rather have it sent to me, and that he would pay me for it. I then recall that after he stayed at the hotel, he told me—and I gave those instructions to Dave's secretary—after he stayed at the hotel, Mr. Adams told me that when he went to pay the bill, they were not giving him a discount, and it was a blank high price, and he just paid them right then and there, and felt that the price had been too high, and that he had taken care of it himself right then and there, and there had been no discount. And that—

Mr. ST. CLAIR. In any event, you left instructions at the hotel to have the bill sent to you?

Mr. COHN. No, I didn't, sir.

Mr. ST. CLAIR. Well, indirectly?

Mr. COHN. No, as I recall it, I spoke to Dave Schine's office, told them to get John Adams a hotel room, see if they could get a discount or whatever you call it in the hotel business, for it, have the bill sent to me, not to Dave Schine, and that Mr. Adams would pay me for it.

That didn't happen, though, because he paid the bill himself and he said they didn't give him any discount. I never checked to see whether they had given him one or not, I don't know.

Mr. ST. CLAIR. The instructions the hotel received were that the bills were to be sent to you?

Mr. COHN. That would be right. I don't know—

Mr. ST. CLAIR. When Mr. Adams checked out, he paid it directly himself?

Mr. COHN. That is what he told me.

Mr. ST. CLAIR. You have no doubt about it, do you?

Mr. COHN. No, not at all.

Mr. ST. CLAIR. On the theater tickets, you testified that you were very happy to get these for Mr. Adams and his two aunts; is that right?

Mr. COHN. Sure. Certainly.

Mr. ST. CLAIR. You said you would send him a bill for them?

Mr. COHN. He was going to pay me for them.

Mr. ST. CLAIR. You never did send him a bill for them, did you?

Mr. COHN. No, I didn't.

Mr. ST. CLAIR. Is there any reason why you didn't, Mr. Cohn?

Mr. COHN. Yes, there is.

Mr. ST. CLAIR. Does the reason have to do with Private Schine?

Mr. COHN. No, not at all.

Mr. ST. CLAIR. None?

Mr. COHN. No, absolutely not.

Mr. ST. CLAIR. Then what is the reason you never sent him a bill?

Mr. COHN. The reason is, before I sent him a bill I had to go to my office and get the bill and track it down and have to know what the amount was in order to have something to present him. I had not done that up to the time he paid me for it.

Mr. ST. CLAIR. That was a matter of 2 months?

Mr. COHN. That might very well be so.

Mr. ST. CLAIR. Did you have any intention of ever sending him that bill?

Mr. COHN. I had every intention of sending it.

Mr. ST. CLAIR. Did it take you 2 months to send a bill out?

Mr. COHN. It usually takes me, if I collect money from someone I get tickets for, I would say it might take me 4 to 6 months. It will depend on—first of all, I have to go to my office. The bills come, I assume, not after the tickets are bought, but would come every month or every 2 months or whatever the arrangement is. I then have to get the bill. The girl up in my office will mark out what it is or what it is for. When I get around to that, I will forward the bill to the person for whom I got the tickets.

I had better say here, sir, that I don't make a specialty of getting tickets, because since this came up I have gotten wires from people asking me to get theater and World Series tickets.

Mr. ST. CLAIR. That is all for the moment, Mr. Chairman.

Senator MUNDT. Mr. Welch?

Mr. WELCH. Is there time left?

Senator MUNDT. Your time has not expired.

Mr. WELCH. Mr. Cohn, I think I ought to help you fend off the possible requests you will have from a nationally televisioned audience for theater tickets. I will warn everybody now, please don't do it.

Mr. COHN. Thank you, sir.

Mr. WELCH. Now, Mr. Cohn, will you turn to volume 24 of the record here?

Senator MUNDT. Time out while the record is being obtained.

Mr. WELCH. Page 4398.

Mr. COHN. I don't have that, Mr. Welch.

Mr. WELCH. Mr. Juliana will find it for you.

Mr. COHN. Why don't you go ahead and save time and start reading it?

Mr. WELCH. While you are looking for it, Mr. Juliana, will you get page 2606, which we may or may not need.

Mr. COHN. The first is—

Mr. WELCH. The first is 4398, from volume 24.

Mr. COHN. What is the next one?

Mr. WELCH. We may need page 2606. I am not so sure we will.

We are going to have to correct a date in connection with 4398, if my impression is correct.

Mr. COHN. I see a mistake in date right offhand.

Mr. WELCH. You have a very quick mind, Mr. Cohn. The date that appears there as October 14—

Senator MUNDT. Time back in.

Mr. WELCH. Should be January 14?

Mr. COHN. That is right. That is a mistake in the transcript. It should be January 14.

Mr. WELCH. Let's not make the reporters blush. We have had very few mistakes in these transcripts for the speed with which they come out.

Mr. COHN. The reporters do an outstanding job, sir.

Mr. WELCH. They do indeed, and I have noticed it, because I have seen a lot of transcripts.

That is the only date I have seen wrong in the transcript, and it could even be that you stated it wrong by mistake, for all you and I know now, is that not right?

Mr. COHN. It could be, sir.

Mr. WELCH. In any event, we do know the date should be January 14.

Mr. COHN. Yes, sir. That is the date.

Mr. WELCH. Calling your attention to your testimony, would you run your mind down on page 4398 and turn over and read at the top of page 4399?

Mr. COHN. Yes, sir. I will do that.

Mr. WELCH. I am particularly interested in the first two lines at the top of page 4399. What was being discussed, Mr. Cohn, on this occasion?

Mr. COHN. A lot of things, sir.

Mr. WELCH. What was being discussed that is particularly referred to on the page to which I call your attention?

Mr. COHN. That was the overseas visit, sir.

Mr. WELCH. From what gentleman, for what man?

Mr. COHN. For Schine.

Mr. WELCH. Overseas for Schine?

Mr. COHN. Yes, sir.

Mr. WELCH. That was being discussed. There is no doubt about that, is there?

Mr. COHN. No. There is no doubt. When you say it was being discussed, it was brought up by Mr. Adams.

Mr. WELCH. You wish to tell me that?

Mr. COHN. He said so, too.

Mr. WELCH. On page 4399, he not only brought it up but, as I understand your testimony, he brought it up pretty nasty like, is that right?

Mr. COHN. I would say that is a pretty good description, sir, yes.

Mr. WELCH. Is that right, sir?

Mr. COHN. Yes.

Mr. WELCH. I would suppose that was as critical a conversation with Mr. Adams in respect to Mr. Schine as you would ever have, was it not?

Senator MUNDT. You may answer the question. The time has expired.

Mr. COHN. I wouldn't say that.

Senator MUNDT. Mr. Jenkins.

The Chair will pass. Members to my left? Senators to my right? Senator McCarthy?

Senator McCARTHY. I have 1 or 2 questions.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. Mr. Cohn, Mr. St. Clair was referring to speeches made by General Lawton. I now have the newspaper accounts, and I find they were not speeches; that he was talking to the staff with regard to security, and that this is a restricted meeting and somebody took notes and gave them to the press. Is that correct?

Mr. COHN. Yes, sir; that is correct, as I understand it.

Senator McCARTHY. So we may get an idea of what he said, here is the story.

The remarks by General Lawton were taken down by one of the scientists in the laboratory and made available. Authenticity was checked with other persons who attended the same lecture and other lectures were delivered by the general.

Here is an account of what he said:

He gave unqualified support to Senator McCarthy and his methods and, asked in effect: were there any subversives thrown out of the university before McCarthy, was anything done at the Signal Corps before McCarthy?

At the same time the general praised the laboratory personnel and cited the importance of their work.

He also reportedly praised Senator William Jenner and his committee for rooting out the Reds.

He then said that McCarthy had done a good job in the Signal Corps hearing in New York and added that he sat in and was impressed by McCarthy's fairness and courtesy to all the witnesses, it was reported.

General Lawton also said the Army's investigation and handling of Army security cases was hampered by regulations until McCarthy forced Stevens to change the ground rules.

Let me see if we can find what he said about these schools.

General Lawton, it is reported, said that his talks with GI's at the laboratory indicated that those GI's who got into trouble in the Army were from certain universities.

So the record is clear, when Mr. St. Clair was talking about speeches, actually he was referring to staff talks with the staff, people who worked in the laboratory, closed meetings.

Mr. COHN. Yes, sir; I believe they were.

Senator McCARTHY. Have you seen the memorandum which indicated that Mr. Stevens asked Mr. Lawton for an explanation of why he would praise McCarthy and why he would blame certain colleges for the Communists they might have turned out?

Mr. COHN. I have not read the memorandum in detail. I did get a glance at the section in which General Lawton had to explain what he said about congressional committees investigating communism doing a good job; yes, sir. And particularly a section, I believe it was 9, in which he had to explain to Mr. Stevens what he meant by saying that Senator McCarthy had been responsible for getting out Communists, and things along those lines.

Senator McCARTHY. Mr. Chairman, as I recall—my memory may not be correct in this—as I recall, Mr. Stevens or Mr. Adams or Mr.

Welch were ordered by the Chair to produce that memorandum. This same question has been gone over before. If I am correct in that, I wonder if the memorandum has been produced. If I am not correct, I wonder if they could be ordered to produce that now.

Senator MUNDT. The Chair is advised by Mr. Prewitt that we have the memorandum. It has been delivered to the staff office.

Senator McCARTHY. I assume that is not classified secret. I wonder if I could see that, Mr. Prewitt.

Senator MUNDT. Mr. Prewitt says he does not have it in the committee room but he will get it and make it available to you.

Senator McCARTHY. Thank you.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Now, Mr. Cohn, referring you once more to the two lines that I have read to you about the conversation about Schine going overseas—

Mr. COHN. Yes, sir.

Mr. WELCH. You stated you characterized the conversation as follows:

Mr. Adams threw that in right then at this point I think as an example of how he could get—

Mr. Cohn, will you be good enough to center your attention on the conversation as you know a witness should and tell us in substance as best you can call it back to your memory what Adams said to you and what you said to him?

Mr. COHN. I am sorry—I lost that transcript again. I will get it. Do you want everything said on that day, sir?

Mr. WELCH. I want in simple English what was said on that date in substance by Mr. Adams to you and by you to Mr. Adams about Dave Schine.

Mr. COHN. About Dave Schine?

Mr. WELCH. Right; just that part.

Mr. COHN. Sure. As I recall it, sir, that part followed a statement by Mr. Adams to us that he didn't think we were cooperating with him, that this investigation was going on and on, the loyalty board members were coming in, and—

Mr. WELCH. Mr. Cohn, you don't need to tell me about that part. You had a discussion about calling loyalty board members, didn't you?

Mr. COHN. Not only that, sir. We had a discussion—

Mr. WELCH. Didn't you just have that, a conversation about loyalty boards?

Mr. COHN. That was discussed.

Mr. WELCH. And a very bitter or certainly a complete disagreement about whether they could or couldn't be called?

Mr. COHN. There was disagreement, sir. I might say—

Mr. WELCH. Putting that behind you, just move forward to the talk you had about Dave Schine, if you will.

Mr. COHN. Yes, sir. In giving that talk, I have to put it in context, because it related to something else.

Mr. WELCH. We know what the context is, because you had been discussing loyalty boards. Tell us what was said about Schine; what was said by him and about Schine, and what was said by you about Schine, in everyday simple English.

Mr. COHN. It was the general area of the Fort Monmouth investigation, why we were not stopping it, why the loyalty boards were coming in, and Mr. Adams said we were not cooperating with him. He then came out in substance and said how would we like it if he sent Schine overseas, that he could be uncooperative, too, things along those lines.

Mr. WELCH. Not along those lines. Tell us what he said?

Mr. COHN. I can't tell you his exact words, Mr. Welch.

Mr. WELCH. Mr. Cohn, you and I are lawyers. We know what a witness has to do. All he has to do is recall the substance of what is said.

Mr. COHN. That is what I have given you.

Mr. WELCH. I think you said he said how would we like it if he sent Schine overseas?

Mr. COHN. I am giving you the substance. The substance was he was going to do something about changing—

Mr. WELCH. No; what he said. I don't want to know what he was going to do. I want to know what he said. Did he say in substance, How would you like it if—

Senator McCARTHY. Mr. Chairman, I have been trying to be very patient with Mr. Welch here, but I think he should not repeatedly interrupt the witness. I think this witness by comparison to Mr. Adams and Mr. Stevens has been extremely short in his answers and he should be entitled to make the answer that he wants to make.

Mr. WELCH. Let's try it once more, Mr. Cohn. Would you just try to use the English language and tell us in substance what Adams said to you that you heard about sending Schine overseas? Just tell it to us at long last. How would you like it—is that the way he began?

Mr. COHN. Mr. Welch, I am sorry, sir. You said once before you wanted to be fair. You say at long last. It is not at long last. I told this conversation to Mr. Jenkins the first time he ever asked me about it.

Mr. WELCH. I mean at long last in this colloquy. Now, let's get it said, please, sir. Tell it to me.

Mr. COHN. I have said it to you twice today, I will tell it the third time. The substance of what was said was Mr. Adams had been talking with us about failure in cooperating with him in getting the loyalty board investigation and Monmouth investigation called off. We had a discussion about that and what he said in substance was, "Well, how would you people like it if I arranged to have Schine sent overseas? I can be uncooperative, too." Think along that line. That is the way that conversation came about.

Mr. WELCH. "How would you like it if I were to send Schine overseas?"

Mr. COHN. That was the substance of it; yes, sir.

Mr. WELCH. Did you think Adams was making the overseas assignments for soldiers?

Mr. COHN. I knew, sir, he was making—

Mr. WELCH. Did you think so? Yes or no?

Mr. COHN. I thought, as an ordinary course—

Mr. WELCH. Just yes or no. Did you think he was making overseas assignments?

Senator McCARTHY. Mr. Chairman, I think the Chair instructed Mr. Welch to let the witness answer the question.

Senator MUNDT. The Chair believes the question can be answered "Yes" or "No" and then an explanation.

Mr. COHN. I can't possibly answer it yes or no. I will answer it this way, Senator Mundt. I knew Mr. Adams was not in the ordinary course of business making overseas assignments for soldiers. No. 1. No. 2, I knew in the case of Private Schine, Mr. Adams had made a point of telling us that what was or was not going to happen to Schine was going to depend on how Mr. Adams felt about it.

Mr. WELCH. Then, did you think he was deciding whether Schine went overseas or not?

Mr. COHN. I thought he could have some influence on that; yes, sir.

Mr. WELCH. Could have some influence. Now this, you tell us, you thought was a nasty statement, is that right?

Mr. COHN. Well, I thought, sir; yes, I thought this—

Mr. WELCH. You thought it was nasty, is that right?

Mr. COHN. Here is what I thought about it, Mr. Welch.

Mr. WELCH. Once again, Mr. Cohn, you thought it was nasty, didn't you?

Senator McCARTHY. I believe the word nasty was yours, not Cohn's.

Mr. WELCH. Yes, it was. He said it was an occasion when Mr. Adams got nasty.

Mr. COHN. What I said was this. My reaction to his statement was, and I think I told him, I didn't care whether Schine went overseas or did not go overseas. I did not like the idea of Mr. Adams linking that up with an accusation that Mr. Carr and I were not cooperating with him in killing an investigation.

Mr. WELCH. It didn't make any difference to you, did it, whether Schine went overseas?

Mr. COHN. Not the slightest.

Mr. WELCH. And the suggestion that he might go overseas, wasn't a nasty one? It wasn't a nasty one?

Mr. COHN. Any suggestion that his assignment was going to be affected because Mr. Adams didn't like the way Mr. Carr and I were not stopping the investigation, was to me a thoroughly unpleasant suggestion to make.

Mr. WELCH. My question was simple: Was the idea that Schine might go overseas—did that strike you—strike that question out. When Adams said to you, "Schine may go overseas," was that a nasty thing to say?

Mr. COHN. Standing by itself, no, sir.

Mr. WELCH. But standing in the context, you thought it was; is that right?

Mr. COHN. Yes, sir. I did, and I do.

Mr. WELCH. And I am sure that is one of the sharpest exchanges that you ever had with Adams on this point, isn't it?

Mr. COHN. No. You are quite wrong.

Mr. WELCH. In any event, it was a sharp exchange, wasn't it?

Mr. COHN. I don't think it was a particularly sharp exchange.

Mr. WELCH. You remember, Mr. Cohn, that you made a memorandum of that conversation, did you not?

Mr. COHN. If there is a memorandum, I did make it; yes, sir.

Mr. WELCH. You did, didn't you? You made such a memorandum?

Mr. COHN. No doubt I did; yes. I don't think I made a memorandum of the conversation.

Mr. WELCH. I think you did. I will come to that in a moment.

Mr. COHN. No; I think——

Mr. WELCH. Where were you when you talked to him?

Mr. COHN. I think, Mr. Welch——

Mr. WELCH. Where were you when you talked to him?

May I ask you where you were when you talked to him?

Mr. COHN. Yes.

Mr. WELCH. Where were you?

Mr. COHN. Several places.

Mr. WELCH. Were you in room 101?

Mr. COHN. Yes, sir.

Mr. WELCH. Was that where the nasty suggestion was?

Mr. COHN. No, I don't think so.

Mr. WELCH. You weren't in Senator McCarthy's office while any of this went on, were you?

Mr. COHN. No, we were not. We were in 101 and then as I recall it we stopped off some place and then we went down to the basement cafeteria in the Senate—I think that is where we went—we had lunch, then we came back up into the office.

Mr. WELCH. What office, 101?

Mr. COHN. Yes, sir.

Mr. WELCH. By the way, 101, I take it, means first floor, is that right, in this building? Or the second floor?

Mr. COHN. No, it is a little complicated because there is an "S", meaning street.

I think——

Mr. WELCH. In any event, the committee offices are in 101; is that right, or at 101?

Mr. COHN. That is one of the committee offices. There are 3 or 4

Mr. WELCH. And the Senator's office is what number?

Mr. COHN. 428, I believe.

Mr. WELCH. And that sounds to me as if it is up 3 flights, you go from 1, 2, 3, 4, up 3 flights; is that right?

Mr. COHN. Yes, sir.

Mr. WELCH. Now, when you got ready to make a memorandum of the conversation that you had had with Mr. Adams, you went up those three flights before you made it, is that right?

Mr. COHN. No, sir.

Mr. WELCH. Well, to whom did you dictate your memorandum?

Mr. COHN. Mary Driscoll, I imagine.

Mr. WELCH. Where was she?

Mr. COHN. Outside of Senator McCarthy's desk, office.

Mr. WELCH. Right, up on the fourth floor?

Mr. COHN. Yes, sir.

Mr. WELCH. My question is, when you got ready to dictate a memorandum in respect to this conversation, you went up to her office?

Mr. COHN. No, sir; I didn't go up to her office to dictate a memorandum. To answer your question, I did not go up there when I got ready to dictate a memorandum.

Mr. WELCH. I don't mean so much that you went up there for that purpose. Have you looked at your memorandum of January 14?

Mr. COHN. No, I haven't. Why don't I do that now, sir?

Mr. WELCH. Right.

Mr. COHN. Yes, sir.

Mr. WELCH. It has three paragraphs, hasn't it, Mr. Cohn?

Mr. COHN. Yes, sir.

Mr. WELCH. The first paragraph says in substance that Adams had been in the office and you had been discussing the loyalty board matter, is that right?

Mr. COHN. No, he said—

Mr. WELCH. Wait a moment, I just want to know the subject matter. One subject is he had been in the office, is that right?

Mr. COHN. Yes, sir.

Mr. WELCH. That means 101?

Mr. COHN. Sure.

Mr. WELCH. Then he talks about the Army hearings and loyalty boards and that he was going to resist that?

Mr. COHN. He said:

If we keep on with the hearings on the Army and particularly if we call in those on the loyalty boards who cleared Communists, he will fight us in every way he can.

Mr. WELCH. Did I misrepresent that when I shortened it in some way to get along?

Mr. COHN. It speaks for itself.

Mr. WELCH. You were discussing the Army hearings and loyalty boards, weren't you?

Mr. COHN. Yes.

Mr. WELCH. And you dealt with that in the first paragraph?

Mr. COHN. That is right.

Mr. WELCH. In the second paragraph you have something to say about a man named Haskins who was once on a board and somebody else who was on the board prior to that? Is that right?

Mr. COHN. That is right, sir.

Mr. WELCH. And then lastly you have five lines in which you say that Adams talked about a law partnership?

Mr. COHN. That is right. He did.

Mr. WELCH. Now, Mr. Cohn, we don't find a single word—

Senator MUNDT. Mr. Welch, your time has expired. I suggest you defer completing the question.

Mr. WELCH. I think I better start it when I come again.

Mr. JENKINS. Pass, Mr. Chairman.

Senator MUNDT. Do any Senators to the left have any questions?

Senator JACKSON. Mr. Chairman, one question.

Mr. Cohn, do you now have the memoranda that I requested yesterday—

Mr. COHN. What was that, Senator Jackson?

Senator JACKSON. I say do you now have the memoranda that I requested yesterday that you furnish relating to the initiation of the investigation into the Army a year ago?

Mr. COHN. No, sir; I don't.

Senator JACKSON. Can we have that by after lunch?

Mr. COHN. Sir, it is going to mean going through a lot of files. Do you want that after lunch?

Senator JACKSON. Well, we better reorganize our files in this committee room. I thought it shouldn't be so difficult to get the memoranda that set off the investigation of the Army.

Mr. COHN. Sir, the investigation of the Army was not set off by a memorandum.

Senator JACKSON. Well, you made memoranda, notes, of the interviews and information that came to you. At least I am asking this only on the basis of the fact that you told me that there is supposed to be some memoranda available.

Mr. COHN. No, sir. I recall that the first interviews I had with witnesses who had information on Communist infiltration into the Army—I know who I talked to, I know roughly when I talked to them, I know where I talked to them.

As far as I recall, I did not make notes or memoranda of those talks. We do have the Crouch memorandum, you have that. There is this two and a quarter page thing. Just what else there is in writing, I don't know.

Senator JACKSON. Well, Mr. Cohn, I am merely making the request now based on what I understood you were going to furnish, and I thought it was going to be furnished yesterday. That is why I am renewing the request. You say now in your judgment all of the memoranda has been introduced, namely the Crouch letter and that two and a quarter page FBI document, which is not introduced but was attempted to be presented to the committee, is that—

Mr. COHN. I don't know, sir. I don't know just what—

Senator JACKSON. As you know, I have been passing, and I may want to ask some questions. If I can see the memoranda. I don't want to request that you be recalled later.

Mr. COHN. I am not very clear on just what memoranda you mean. I know as far as the initiation of the Army investigation is concerned, we talked to a number of witnesses. We interviewed a number. We did get some material, Senator.

Senator JACKSON. That is what I am talking about. I understood you had interviewed some people.

Mr. COHN. Yes; that is right.

Senator JACKSON. You personally, and that Mr. Schine had interviewed someone. I don't recall. Was it Mr. Crouch?

Mr. COHN. He interviewed Crouch. He interviewed someone else I can think of. Of the people I interviewed, I can tell you this, Senator: I did not make memoranda. I did not dictate memoranda of the interviews. I can give you the rough time, because I checked back with the people whom I interviewed, and they have given me their recollection as to when we had gotten together for the first time about Communist infiltration in the Army. I did not dictate memoranda of those interviews.

Senator JACKSON. Can you have someone check the files and find out if there is any memoranda available on this subject which relates—

Mr. COHN. Sure.

Senator JACKSON. To the original initiation of the charges or investigation into the Army on up to the time you started the hearings at Fort Monmouth?

Mr. COHN. Oh, yes, sir. I am sure on that.

Senator JACKSON. I wouldn't make much point of this except that it is very important in view of the fact that the statement has been made that the investigation of the Army started early in 1953, around February, March, April, in there. On the other hand, the inference has been made or the allegation, I believe, has been made that the charges against the Army did not—that the investigation of the Army did not get under way until Mr. Schine had been turned down for a commission.

Mr. COHN. That is untrue, sir.

Senator JACKSON. I say I am trying to get the record straight.

Mr. COHN. The answer to your problem is right here. First of all, you have the Crouch memorandum. If you want, we will have Mr. Crouch come in before the committee and testify under oath that he submitted the memorandum to Schine back in March, long before this commission thing arose.

You have my testimony under oath that I talked to witnesses on Communist infiltration in the Army in February. One of those witnesses I think would be glad to come in here and testify and tell you that he talked to me in February.

There is no doubt as to when the investigation began.

Senator JACKSON. You see, I am greatly concerned about the point, because this FBI document relating to 35 names who were supposed to be, alleged to be, subversives at Fort Monmouth, was presented in April and nothing happened until in September. I don't know of anything that has come before the committee that is any more serious than what was contained in that document.

I am interested in what was done to follow it up, because no one—at least on our side—was ever advised of this investigation of the Army while we were on the subcommittee.

Mr. COHN. Senator, the reason for that was this: We had a number of preliminary investigations under way. Each time we had one, under the rules of the committee they would be under the direction of the chairman himself, and not the other members of the committee. Therefore, each time there was a preliminary investigation, we would not go running around to all the committee members bothering them about it. We would get the material and develop it until such a point that it was ready for executive session hearings, and then the chairman would convene a meeting of the committee and put the matter to the committee.

Senator JACKSON. What more did you need to do on these 35 names than the fact that you had the information in this report? What more needed to be done?

Mr. COHN. We needed this, Senator Jackson: There was some material, No. 1, we had to check out. No. 2, there was a question of other investigations which had priority. For instance, sir, we were in the middle of public hearings on the Voice of America investigation—

Senator JACKSON. No; that ended in March.

Mr. COHN. No, sir; I am sorry, sir.

Senator JACKSON. Are you sure?

Mr. COHN. I am positive.

Senator JACKSON. What hearings were held after November 1?

Mr. COHN. I am sure the hearings were held in May, sir.

Senator JACKSON. On the Voice program?

Mr. COHN. On the Information program, yes, sir. I am positive of it.

Senator JACKSON. On the Information program?

Mr. COHN. Yes, sir.

Senator JACKSON. You went to Europe in April?

Mr. COHN. That is right. After we came back, there were hearings. That was in May. There was an investigation of East-West trade. I don't know just when the hearings were held. I think it was sometime during that period of time.

Senator JACKSON. Mr. Cohn, what actual steps were taken after you received the 35 names in the document? What steps did you take to follow up on these 35 names relating to people at Fort Monmouth?

Mr. COHN. The first thing I did was this, sir, as I recall it. The name Aaron Coleman rang a bell, and I went back and got the record of the Rosenberg trial. I knew that I had heard the name. I knew it had figured in the Rosenberg case in some way. I was not sure of the detail. So I remember that I got hold, and I had a little difficulty getting it—I got hold of a copy of the trial record in the Rosenberg case. I checked the testimony, and I found the place where there was reference to Aaron Coleman by—it happened it was a reference by Julius Rosenberg himself, who named Coleman as one of his Fort Monmouth friends.

I then went over and I remember I reread the Greenglass testimony and some other things. That was one of the first steps which I took.

We also checked with other people who we thought might have information on this situation. We heard another congressional committee had done some work on this. We obtained from that committee some files and documents—

Senator JACKSON. Which committee was that?

Mr. COHN. I am not sure. I think it was the House Committee on Un-American Activities.

Senator JACKSON. When did you do that?

Mr. COHN. I don't know the exact date. I could probably get that.

Senator JACKSON. Why would you want to go to the House Committee on Un-American Activities when you have the epitome of information in the form of an FBI report? What are you going to find over there that would be superior to the information that you had in the FBI report?

Mr. COHN. It wasn't a question of superior, sir. It was a question of getting a complete picture so we knew where we were going.

Senator JACKSON. No, but you have emphasized in the previous interrogation that after these names it had "R," which meant "Russian." I am talking about this 2¼ page document. It has been emphasized in connection with the interrogation by you or by Senator McCarthy that the importance of this document should not be overlooked because of the fact that it had "R," and I believe something else which indicated "Espionage—Russian." Isn't that right? That all has been brought out here in public.

Mr. COHN. It is an important document, surely.

Senator JACKSON. I understand. You had that in March. For the life of me, I can't understand—

Mr. COHN. I don't know that it was March, sir. I think it was given to Senator McCarthy in the spring sometime.

Senator JACKSON. I think he testified around maybe March or April.

Mr. COHN. Around that period.

Senator JACKSON. Mr. Stevens had been in office only a couple of months?

Mr. COHN. Yes.

Senator JACKSON. Wouldn't the logical and sensible thing to do be to say, "Look, Mr. Secretary, maybe I haven't seen this information. Here are 35 names. Can't we work together and find out immediately what this is all about? If these people are questionable characters, let's see if you can't suspend them right now." Wouldn't that be the reasonable thing to do?

Mr. COHN. No, sir; I don't think it could have been done that way then.

Senator JACKSON. But Mr. Stevens had been in office only 2 months and he couldn't possibly have gone through the files of G-2 where this report was located.

Mr. COHN. No doubt about it, sir, but the man who came in and gave Senator McCarthy the information as I understand it, said that the people over there who had the say on these things knew all about it, that they had known about it for some period of time and that they had not done anything about it, and apparently weren't going to do anything about it. It seemed like a little bit—there didn't seem much point at that stage in our going back to them.

Senator JACKSON. Mr. Cohn, isn't that all the more reason why you then ought to go to the top man, the Secretary of the Army, based on the fact that these people down below you you wouldn't do anything about it?

Mr. COHN. No, sir. It was the chairman's judgment at that time that what we ought to do that we were in the middle of hearings on other things, that we should develop the case, get as much information as we could, build it up and then give it a priority order for hearings by this committee in carrying out its responsibilities.

Senator MUNDT. Your time has expired.

Mr. COHN. And that is what we did.

Senator MUNDT. Senator Dworshak?

Senator Symington?

Senator McCarthy?

Senator McCARTHY. Just one question.

Mr. COHN. Yes, sir.

Senator McCARTHY. We kept Mr. Stevens and Mr. Adams fully informed during all the stages of the hearings. We even invited them to attend all our executive sessions; is that correct?

Mr. COHN. There is no doubt about it.

Senator McCARTHY. As an example of the type of cooperation we gave, you called Mr. Adams and told him about the Peress case in 1953?

Mr. COHN. That is right.

Senator McCARTHY. And called him a number of times. And finally when no action was taken, we called hearings; is that right?

Mr. COHN. That is right, sir.

Senator McCARTHY. And that has been the method of operation with the military during all the times that we have worked with them

up until we found that they were deliberately trying to call off the hearings?

Mr. COHN. Yes, sir.

Senator McCARTHY. No further questions.

Senator MUNDT. Mr. Welch, you have 10 minutes.

Mr. WELCH. Mr. Cohn, I was fascinated with the questions that Senator Jackson was asking you. As I understand it, you got this purloined document in March or April of 1953; is that right?

Mr. COHN. This what document, sir?

Mr. WELCH. This FBI document.

Mr. COHN. Yes, sir. It was in the spring of 1953.

Mr. WELCH. Did you hear the word I applied to it?

Mr. COHN. I wasn't sure I understood it correctly.

Mr. WELCH. Do you want to hear it?

Mr. COHN. That is your option, Mr. Welch, not mine.

Mr. WELCH. Purloined. You got it in March or April; is that right?

Mr. COHN. Sir, I don't know whether the document was purloined or whether it wasn't. I know that due to that and some other things there are 35 subversives who are out of Fort Monmouth and who were in there before we came along.

Mr. WELCH. I understand that. You had a new Secretary of the Army over there, didn't you?

Mr. COHN. Yes, sir.

Mr. WELCH. And this document long antedated his being Secretary?

Mr. COHN. Yes; some 2 or 3 years.

Mr. WELCH. And when you saw it, you must have thought it was a frightening document; is that right?

Mr. COHN. I thought it was a disturbing situation; yes, sir.

Mr. WELCH. And one involving a situation where time is of the essence; is that right?

Mr. COHN. Any situation, surely.

Mr. WELCH. That is right, isn't it?

Mr. COHN. Surely.

Mr. WELCH. And you had a brand new Secretary of the Army, didn't you?

Mr. COHN. Yes, sir.

Mr. WELCH. He was either 4 weeks in office, say, 8 weeks in office, or something like that; is that right?

Mr. COHN. Yes, sir.

Mr. WELCH. Now, with this frightening information in your hands, if you could hail a taxicab, you could get Bob Stevens on the job about these Communists within whatever time it takes to drive from here to the Pentagon; is that right?

Mr. COHN. No, sir.

Mr. WELCH. That is not right?

Mr. COHN. No, sir.

Mr. WELCH. Well, at least you could have gone over. Do you think you would have got near him if you had gone over in the front door of the Pentagon and yelled out loud to some receptionists, "We got a lot of hot dope on Communists in the Army"?

Don't you think that would have taken you right straight to Stevens?

Mr. COHN. If I had what, sir?

Mr. WELCH. If you had gone over to the Pentagon and got inside the door and yelled to the first receptionist you saw, "We got some hot dope on some Communists in the Army" don't you think you would have landed at the top?

Mr. COHN. Sir, that is not the way I do things.

Mr. WELCH. It may not be the way you do things, but you were counsel to the committee, weren't you?

Mr. COHN. Yes, sir; I was.

Mr. WELCH. And the Senator was a Senator?

Mr. COHN. And a very good one, sir.

Mr. WELCH. Yes, sir. And have you the slightest doubt that you could have gotten Bob Stevens' ear the moment you got ahold of that document?

Mr. COHN. It is perfectly possible I could have, sir.

Mr. WELCH. You know you could have, don't you?

Mr. COHN. I don't dispute it for one minute.

Mr. WELCH. And you tell us now that you were busy with hearings in other cases, is that right?

Mr. COHN. Yes, sir; we were.

Mr. WELCH. And although you had this dope and a fresh and ambitious new Secretary of the Army, reachable by the expenditure of one taxicab fare, you never went during March, if you had it in March, did you, is that right?

Mr. COHN. Mr. Welch—

Mr. WELCH. Just answer. You never went near him in March?

Mr. COHN. No, I—

Mr. WELCH. Or April? Did you?

Mr. COHN. Mr. Welch—

Mr. WELCH. Tell me, please.

Mr. COHN. I am trying, sir.

Mr. WELCH. Or April?

Mr. COHN. No, sir.

Mr. WELCH. Or May?

Mr. COHN. I never went near him, sir.

Mr. WELCH. Or June?

Mr. COHN. The answer is never.

Mr. WELCH. Right. Or July?

Mr. COHN. I communicated—

Mr. WELCH. Or July?

Mr. COHN. No, sir—

Senator MUNDT. I think we have covered July.

Mr. WELCH. I think it is really dramatic to see how these Communist hunters will sit on this document when they could have brought it to the attention of Bob Stevens in 20 minutes and they let month after month go by without going to the head and saying, "Sic 'em, Stevens."

Mr. COHN. Senator Mundt—

Mr. WELCH. Now, turning back to my other matter.

Mr. COHN. May I answer that last statement?

Mr. WELCH. I only said you didn't say, "Sic 'em, Stevens," and you didn't, did you?

Mr. COHN. Mr. Welch, you said a few days ago that you wanted to be fair. If you do want to be fair, sir, you will let me correct what

is an erroneous impression which you are trying to convey here.

Mr. WELCH. I am not trying to convey the impression that you actually said, "Sic 'em, Stevens," you understand that, don't you?

Mr. COHN. I think I understand what you are trying to do, sir.

Mr. WELCH. And I am actually trying to convey the impression that you did not say, "Sic 'em, Stevens," is that right?

Mr. COHN. Sir——

Mr. WELCH. Is that right?

Mr. COHN. Mr. Welch, if you want to know the way the things work, I will tell you.

Mr. WELCH. I don't care how it works. I just want to know if it is right that you did not say, "Sic 'em, Stevens."

Mr. COHN. No, sir, you are right.

Mr. WELCH. I am at long last right once, is that correct?

Mr. COHN. Mr. Welch, you can always get a laugh. You are probably right a thousand times more often——

Mr. WELCH. Mr. Cohn, we are not talking about laughing matters. If there is a laugh, I suggest to you, sir, it is because it is so hard to get you to say that you didn't actually yell, "Sic 'em, Stevens."

Mr. COHN. Senator Mundt, may I give an answer to this whole string of questions which Mr. Welch has been throwing at me?

Mr. WELCH. Mr. Chairman, I suggest that there is no pending question, and that there is nothing that needs an answer, unless it be those slowly creeping months when we had that Secretary over there anxious to be turned loose and nobody would say, "Sic 'em, Stevens." May I go ahead to another matter, Mr. Cohn, or would you prefer not——

Senator MUNDT. The Chair believes that there is no question pending, and if there is a question to be asked, your counsel will have 10 minutes in due course to ask any questions.

Mr. COHN. Senator Mundt, if you feel, sir, that it is fair for Mr. Welch——

Senator MUNDT. I wasn't ruling on whether I considered it fair. I was simply ruling on this fact that I saw no pending question. He was simply making some dramatic statements about "Sic 'em, Stevens," as far as I understood. You have a counsel here, and the Chair interprets one of the functions of counsel is that when his time comes to ask questions, he will elicit from you the information that Mr. Welch desires you to state.

Senator MCCARTHY. An important point of order, Mr. Chairman. Mr. Welch knows that my counsel wouldn't call up and say, "Sic 'em, Stevens."

That may sound funny as all get out here. It may get a laugh. He knows it is ridiculous. He is wasting time doing it. He is trying to create a false impression. I would suggest that after this long series of ridiculous questions, talking about why he wouldn't go over to the Pentagon and yell out "Sic 'em, Stevens," that Mr. Cohn should be able to tell what happened after the document was received. That is the only fair thing, Mr. Chairman.

Mr. Chairman, that is an answer to Mr. Welch's questions.

Senator MUNDT. May the Chair say in answer to the point of order that Mr. Welch said he was not concerned about what happened, except whether or not he said "Sic 'em, Stevens."

You are the counsel for Mr. Cohn, I think it would be highly appropriate in your 10 minutes to ask him what did happen, and he can then answer.

Senator McCARTHY. Mr. Chairman, every other witness has been allowed to answer at length. Mr. Cohn, I think, has been answering every question as briefly as any human being could, and as truthfully. Now Mr. Welch has a series of 6 or 7 questions, and answers his own questions, and plays to the gallery here, as though this were a vaudeville show, which it isn't. This is a pretty serious matter, Mr. Chairman. While we are having fun here while Mr. Welch is trying to put on a circus, there are Communists in defense plants handling secret work, there to sabotage the work of this Nation, Communists who may at this very moment be decreeing the death of the sons of some people in this very audience, in this building. We go through this long, ridiculous series of questions about "Sic 'em, Stevens." I think that Mr. Cohn should have the right to answer the implied question. The question that he was asking was what did Mr. Cohn do when he got a résumé of an FBI report which showed that there were Communists in the secret radar laboratories and why didn't he go to the door of the Pentagon and yell, "Sic 'em, Stevens." I think, Mr. Chairman, that is a question he should be entitled to answer at this time.

Senator MUNDT. The Chair will restate his position. As he understands the preceding record, Mr. Welch said he was not interested in what happened beyond the point of whether or not he stood in front of the Pentagon and said, "Sic 'em, Stevens." Mr. Cohn said he did not say, "Sic 'em, Stevens." Mr. Welch is interested in no other phase of it.

When you have your 10 minutes, as counsel you may ascertain that information from Mr. Cohn.

Senator McCARTHY. Mr. Chairman, I will insist that every witness be treated fairly here. He asked him what happened in March, what happened in April, what happened in May. Before Mr. Cohn could even answer one word, our clever little friend here, playing to the vaudeville audience, as he thinks it is—it is not a vaudeville audience; it is the American people, interested in the facts—interrupts for the purpose of getting a laugh. You can get laughs here but they are rather expensive laughs, Mr. Chairman, and I think this young man should be entitled to answer that series of questions which were asked.

Senator MUNDT. The Chair understands the question to have been simply, "Did you see Mr. Stevens in May, in June, in July?" and the answer of the witness was, "Never," which seems to cover that. The Chair restates the fact that you, as counsel for Mr. Cohn, may ask him the questions to elicit the information which Mr. Welch says is of no interest to him, and that is, what actually did happen. Mr. Welch is interested in whether he said, "Sic 'em," or not, and he said he did not. Mr. Welch, you may continue. The point of order is overruled. Mr. Welch.

Senator McCARTHY. Another point of order, then.

Senator MUNDT. You may state it.

Senator McCARTHY. Can we have a ruling from the Chair now that the same rule applies to Mr. Welch that applies to all the Senators, and that is when he asks a question, he remains quiet until the witness can answer?

Senator MUNDT. The Chair will do his best to enforce that rule. Go ahead, Mr. Welch.

Senator McCARTHY. Is that the rule now that applies to Mr. Welch? If so, I intend to raise a point of order every time he violates it, because I am getting sick of this circus. I am getting sick of this filibustering. I have given up my time so that we could get through with this, and instead of trying to get through, Mr. Welch is trying to create a circus and filibuster. Whether he is intrigued by the television lights or what, I don't know.

Senator MUNDT. Mr. Welch, you have 10 minutes, or the remaining part. How much time does he have? You have 5 more minutes.

Mr. WELCH. Mr. Chairman.

Senator MUNDT. I am listening to you, Mr. Welch.

Mr. WELCH. This is quite a solemn moment with me.

Senator MUNDT. I am happy we have arrived at a solemn moment.

Mr. WELCH. I don't often say anything on my own behalf. If I have appeared to the Senators in this room or this audience or even on television—of which happily I am generally unaware—as seeking to be a clown or to make a funny joke or to catch a headline, may I disclaim that. I am only trying to dramatize the fact that we had a new Secretary of the Army over there, described in this room as a Communist hater, and it seems to me that it would have been simple to have gone over and gotten his help. If, Senator, in trying to dramatize, it has seemed to you that I was playing for a laugh, I beg of you, believe me, I was not.

Senator McCARTHY. Would you yield, Mr. Welch? I think, then, what you should do is let this young man tell what he did. You say he should have gone over and got some help.

Mr. WELCH. May I move along? May I?

And similarly solemnly at the moment, Mr. Cohn, we have heard many days ago that there were 130 Communists in defense plants, and a letter was written by the Army saying, "Let's have the names of those." I haven't yet heard that they have gone over. Is it correct that, as far as you know, they have not gone over?

Mr. COHN. As far as I know, sir, Senator McCarthy has offered those names to the Defense Department under the rules of this committee. If there has not been an acceptance of the offer, that is something of which I don't know.

Mr. WELCH. Let's have it simply. They just haven't gone over.

Senator McCARTHY. He doesn't have to answer that.

Mr. COHN. The answer to you, Mr. Welch, is that the last I heard of it was that Senator McCarthy had offered the names and that there had not been an acceptance of the offer. I don't know that there has been any change in the situation.

Mr. WELCH. Let me go back to the memorandum that I was asking you about on January 14. You remember, Mr. Cohn, that I was just on the point of asking you whether you—strike that out. You were down in room 101 when you talked to Adams; is that right?

Mr. COHN. Pardon me, sir?

Mr. WELCH. You were down in room 101 when you talked to Adams.

Mr. COHN. Part of the time, yes, sir.

Mr. WELCH. And there are six stenographers there.

Mr. COHN. Pardon me, sir?

Mr. WELCH. And there are six stenographers there.

Mr. COHN. I don't think that there were stenographers there at that time, sir. I am not sure.

Mr. WELCH. You mean it wasn't business hours?

Mr. COHN. No, it isn't that. There was an arrangement made, a change made by Mr. Carr—I am inclined to think it was the beginning of February—under which he moved the stenographers over into room 101, which had formerly been occupied by staff members, and he moved some staff members who had been in 101 down to another room.

Mr. WELCH. In any event, you went upstairs and dictated this memorandum to Mrs. Driscoll, is that right?

Mr. COHN. I did go upstairs, yes, sir, and I did dictate the memorandum to Mrs. Driscoll.

Mr. WELCH. To Mrs. Driscoll. How soon after the conversation did you go up and dictate it?

Mr. COHN. I haven't any idea, sir. I know that I went up to see Senator McCarthy and he wasn't there, and I dictated this.

Mr. WELCH. Don't you ever dictate anything down in the room on the first floor?

Mr. COHN. Yes, I dictate some things there, sir.

Mr. WELCH. But not this?

Mr. COHN. No, I did not.

Mr. WELCH. Not this?

Mr. COHN. No, sir.

Mr. WELCH. Was there anything peculiarly secret about this?

Mr. COHN. About this? No, I wouldn't say there was anything particularly secret about it.

Mr. WELCH. Anything peculiarly odd that would make you go up three flights of stairs to dictate it to someone when you had stenographers—

Mr. COHN. I didn't go up there to dictate it, sir.

Mr. WELCH. I see. Did you intend to dictate it after you heard Adams talk about it?

Mr. COHN. I think the answer to that is no, sir.

Mr. WELCH. No. And you made up your mind later to dictate it?

Mr. COHN. I think what happened, Mr. Welch—

Mr. WELCH. You can answer that. You made up your mind later?

Mr. COHN. I don't even know if I made up my mind. I went up to see Senator McCarthy and tell him something. When he wasn't there, I left a message, a memorandum, with his secretary, leaving word as to what I wanted him to know.

Mr. WELCH. This is that memorandum?

Mr. COHN. Yes, sir, it is.

Mr. WELCH. You dictated it to her, is that right?

Mr. COHN. Yes, I did.

Mr. WELCH. When did you next see it?

Mr. COHN. I don't think I ever saw it after that, sir.

Mr. WELCH. Not until March 11 or thereabouts, or did you even then?

Mr. COHN. Probably I saw it around that time, sir.

Mr. WELCH. Around March?

Mr. COHN. Yes. I don't think I saw it before that.

Senator MUNDT. Mr. Welch, your time has expired.

Mr. Jenkins?

Mr. JENKINS. I have no further questions.

Senator MUNDT. The Chair will pass. Senator Jackson?

Senator JACKSON. I have just one question, Mr. Chairman.

We referred to this matter when my time expired, Mr. Cohn. You stated in the course of the hearings that Mr. Coleman, I believe, was an espionage agent and in contact with high espionage agents.

Mr. COHN. You say I said that, sir?

Senator JACKSON. Yes.

Mr. COHN. No; I didn't.

Senator JACKSON. Haven't you referred to him as being in contact with high espionage agents?

Mr. COHN. No. Being in contact with them?

Senator JACKSON. Yes.

Mr. COHN. I have referred to that, and I will stand by that statement, and I will prove it, sir.

Senator JACKSON. Wouldn't that make him an espionage agent?

Mr. COHN. The fact that he was in contact with them?

Senator JACKSON. Yes.

Mr. COHN. It might and it might not.

Senator JACKSON. The implication is, if he is in contact with high espionage agents, he is not in contact with them about social matters or something like that.

Mr. COHN. That is the question of drawing an implication. I would say the contact would probably be enough not to have him working in a secret radar laboratory. As to whether it is enough to say he is guilty of violating the espionage laws, that would depend on some other evidence, sir.

Senator JACKSON. I understand, but it is a pretty serious implication if you make a statement and say that he is in contact with high espionage agents. I mean, the implication that comes from that is very serious. If you said that he had met such people socially and didn't know who they were, but maybe he is a little naive, that would be another kind of statement, wouldn't it?

Mr. COHN. Sure. Well——

Senator JACKSON. My point is very simple. If Mr. Coleman was of this type of character—and I believe you have criticized Mr. Stevens, the Secretary of the Army, for not acting promptly on security matters in various situations that have been before the committee—how can you be critical of Mr. Stevens when these 35 names were known to you and not to the other members of the committee for months?

Mr. COHN. I don't understand that, sir.

Senator JACKSON. Well, it is very simple. You knew of these 35 names that were contained in this shortened FBI——

Mr. COHN. No, sir. Senator Jackson——

Senator JACKSON. You didn't know about this two and a quarter page memorandum?

Mr. COHN. I knew about it, sir. But I don't think that the 35 names in that memorandum are identical to the names of the 35 people who have been suspended at Fort Monmouth, sir.

Senator JACKSON. All right. Let's just talk about Mr. Coleman. That was the serious one in that list of 35.

Mr. COHN. He was one of the serious ones. There is one other—

Senator JACKSON. Let's talk about Coleman first. There is one other I would say who is probably just as serious.

Let's talk about Coleman. You knew about Coleman in March or April?

Mr. COHN. Around that time; yes, sir.

Senator JACKSON. And from March until September nothing was done about it, in getting him removed, so far as the committee was concerned?

Mr. COHN. I wouldn't say that, sir.

Senator JACKSON. Well, as a matter of fact, you first learned about it in March or April, is that right?

Mr. COHN. Yes. It was in the spring.

Senator JACKSON. Then if you knew about this man being in contact with high espionage agents, why didn't you tell Mr. Stevens who had just been in the Army as Secretary for 2 months, the Attorney General, who was in charge of the overall operation of FBI?

Mr. COHN. Because, sir, I knew from this that the Attorney General and the FBI knew all about it already, No. 1. No. 2, I knew that they had given appropriate notice to the people in Mr. Stevens' organization who were charged with this responsibility, not once but on a great number of occasions, and that despite the ample evidence and warnings which I am sure were far more persuasive coming from the FBI than they would have been from me, there was no action taken over there in the Army.

Senator JACKSON. Let's pin one thing down right now. Did Mr. Brownell know about this in April?

Mr. COHN. I don't know if Mr. Brownell knew about it.

Senator JACKSON. You said the Attorney General knew.

Mr. COHN. Sir, when I say the Attorney General, I don't expect Mr. Brownell as Attorney General or Mr. Stevens as Secretary of the Army, to know the contents of every file or document or anything like that in his organization.

When I refer to Attorney General, sir, I mean the Office of the Attorney General. When I refer to the FBI, I mean the organization of which J. Edgar Hoover is Director. I don't mean that the head of each organization knows the contents of every file or every pending case in the office. I don't—

Senator JACKSON. Mr. Cohn, you have stated that the radar laboratory at Fort Monmouth is one of the most important in the whole country, that it is the key to our security against a hydrogen-atomic attack. Here is a man, Mr. Coleman, in contact with high espionage agents. Isn't that, if it involves the very heart, as I think Senator McCarthy said, and I agree with him, one man may be able to destroy this country, why didn't you go to Mr. Brownell with that information?

Mr. COHN. Because, sir, I knew that the organization headed by Mr. Brownell, which includes the FBI and Mr. Hoover, not only was aware of that information, but had passed that information along to G-2 of the Army, not once but on many occasions, so it—

Senator JACKSON. Do you know that it was turned over to Mr. Brownell? He is the officer that is responsible.

Mr. COHN. Sir, I could not see what advantage there would be in my going back to people who had already turned over the information to the right place and say—what could I say to them? They had already done their job.

Senator JACKSON. Mr. Cohn, if you can't get action from the people down below, isn't it just a rule of commonsense you go to the top man?

Mr. COHN. But there had been action on the part of the top in the FBI and in the Justice Department.

Senator JACKSON. No. I want you to state whether you know of your own knowledge that this information, that this man Coleman, a high espionage agent, that information—

Mr. COHN. You said a high espionage agent.

Senator JACKSON. All right, an agent or an individual in contact with high espionage agents in this country, whether this information had been turned over to the boss of the overall organization that collects the information, the FBI, and the organization that institutes prosecution, Mr. Brownell.

Mr. COHN. My answer to you, Senator—

Senator JACKSON. I think it is a fair question.

Mr. COHN. Surely, sir, and I will try to give you a fair answer, if I may.

As far as I know, Mr. Brownell did not personally know about this particular case. As far as I know, Director Hoover might not even have known personally or had in mind at that moment this particular case. I did know, sir, that the Justice Department and the FBI had carried out their job by sending over the information to G-2 of the Army. So that their responsibility was at an end, and there would have been no point in my communicating with them about this.

Senator JACKSON. Mr. Cohn, I am just trying to be fair to this new administration, and I want to say to you that when you have such information, it seems obvious to me that it is not a matter of law, we don't have to be technical, it is just commonsense if you have such information that it would seem to me that it should have gone directly to Mr. Brownell from you.

Now this next question—

Mr. COHN. Sir, you say directly to Mr. Brownell from me. Mr. Brownell or Mr. Hoover or their respective organizations are the ones who had gotten the information and sent it to the Army with a request for action.

Senator JACKSON. Wait a minute. Let's pin that down. You say Mr. Brownell and his organization sent it over? When was this report sent to G-2?

Mr. COHN. This was sent in 1951. There were others in 1952. I assume there were others in 1953. I don't know.

Senator JACKSON. How do you know they sent other reports?

Mr. COHN. I told you, sir, that this same man who went to see Senator McCarthy told him that this 1951 report was but one of a long series which had been sent by the FBI to the Army for action. I gave dates of some additional ones.

Senator JACKSON. How can you say that Mr. Brownell sent them over, the Attorney General? Obviously he doesn't know, can't know

about every detail. But something as alarming as this, this is a matter for interest and really doing something about it. Let's go to the top man. The allegations that have been made in this controversy relate to the fact that Mr. Stevens had coddled Communists. He had only been in office 2 months, and you knew about this information. Wouldn't the proper thing to do be to give this directly to Mr. Stevens? He couldn't possibly know of all of the files in G-2, literally thousands and thousands of them.

Mr. COHN. Senator Jackson, nobody has said here that Mr. Stevens did know or even should have known at that point about this particular situation, and we were not investigating Mr. Stevens' personal knowledge or lack of knowledge. What we were investigating was whether a department of which Mr. Stevens was at that time the head, had then or in the past and continuing to the present, failed to take action on warnings that had been sent over by the FBI.

I do not say, and no one in this room has said, that Mr. Stevens was derelict in not having knowledge. We do say that people in Mr. Stevens organization should have acted on the basis of this information, and we say, sir, that people who had been Mr. Stevens'—who had worked under the predecessors of Mr. Stevens, likewise, should have taken action on the situation.

Sir, without prolonging this any more, perhaps I can say it to you this way: We get a lot of cases, we get information on a lot of Communists, we process it as best we can, we can only handle one investigation at a time, we do the job as effectively as we can. Whether we followed the right or wrong approach here, no one will ever know. All I do know is that when we got into this investigation, these people were fired. Before we did, they were not fired.

Senator JACKSON. Mr. Cohn, what was more important at the time, to try to prove that Mr. Stevens and his organization was negligent, or to go directly with this information about these alleged Communists and give them the names and put them right on the spot? Then you would have a record, saying, "Here, we turned them over in April. You did nothing about it."

Mr. COHN. Sir, we were not trying to make a record.

Senator MUNDT. The Senator's time has expired.

Senator Dworshak?

Senator McCarthy?

Senator MCCARTHY. Mr. Cohn, I was rather amused, as I sat here and listened to my friend from Washington State demand that we take this FBI document and take it over to Brownell, especially after the people on his side of the aisle have been demanding over the past number of days that the young man who gave us the information should be indicted. I just can't quite following this blowing hot and blowing cold. One day—

Senator JACKSON. A point of order.

Senator MCCARTHY. Let me finish my question.

Senator MUNDT. Senator Jackson has a point of order.

Senator JACKSON. I just want the record to show that I did not state that Mr. Cohn should bring the document over. I said that the information that they had should be made available to them.

Senator MCCARTHY. As I started to say, Mr. Cohn, I am rather amused when I find my Democrat friends here criticizing you for not taking to Brownell information which you knew came from Brownell's

office and went to Army Intelligence. The inference is that you were derelict. In one breath, they accuse you of being derelict in that. In the next breath they say that the young man who gave us the information about these Communists should be indicted and in fact I believe it is suggested that I should be indicted and jailed for having received this information about Communists. The simple fact of the matter is that we knew that all this information had gone to the proper authorities in the military. There is no way we could order them to act upon it.

The only thing we could do is to develop the facts, bring them out publicly and force them to act, because of the pressure of public opinion. That was done. After we made the facts public, some 35 individuals who were suspected of violating the Espionage Act, were suspended, is that correct?

Mr. COHN. That is about right, sir.

Senator McCARTHY. Could we draw a parallel, perhaps, with the Hiss case? In the Hiss case it was found that the information given by Whittaker Chambers as early as 1939 or '40, I forget which—the FBI, according to information that has been made public in newspapers, sent over additional reports time after time. Finally, when Senator Mundt and Vice President Nixon on a committee made the information public, as you may recall, there was speculation as to whether they would indict Whittaker Chambers for having given the information about this Communist spy, or whether they would indict Alger Hiss.

You will recall that at that time, even though the information was available to the State Department for years, Mr. Hiss was not demoted or suspended because of it, but got the highest job, perhaps, which the State Department could offer him. What was the title—Secretary—

Mr. COHN. He was Secretary General of the United Nations Conference at San Francisco, sir.

Senator McCARTHY. And also had a very important job in the State Department.

Mr. COHN. Yes, sir. Before that, he had, sir.

Senator McCARTHY. The information was called to the attention of Mr. Berle, Assistant Secretary of State. I believe his testimony was that he called it to the attention of others. It was only when a congressional committee forced the facts out so the American people could see them that they finally indicted and convicted Mr. Hiss.

Mr. COHN. Senator, the answer to that, sir, is "Yes," and I can state here and now, I hope, once and for all, just what the situation is.

Perhaps Mr. Welch doesn't understand. We have a very small staff of young men downstairs who do this work. We have maybe 9 or 10. As against that, Army Intelligence and people like that have, I believe, thousands of people working for them. We get a lot of information, serious information about Communists in radar laboratories and defense plants and the Government Printing Office and other places. We cannot develop every case at once. We can only do one at a time.

They work hard and they do it as well as they can. We move along with as much speed as we can. I think as far as the young men downstairs are concerned, the statistics of the number of Communists

they have eliminated from the United State Government and defense plants is the best testimony as to how successful they have been.

It is very hard to define a method of operation and say, looking back, just at what point you take what steps. We try to do these things in order of their importance and priority. We did the Government Printing Office. Then we did this investigation here. There are about nine people downstairs. They work hard, and I think they do a very, very effective job, and I think they have gotten a lot of Communists out of Government and defense plants.

I think that should be the basis for the judgment as to their efficiency.

Senator MUNDT. Senator, my attention has been called to the fact that we have run past 12:30. I suggest we recess now, and you may have the rest of your 10 minutes this afternoon.

We are adjourned until 2 o'clock.

(Whereupon, at 12:45 p. m., the hearing was recessed until 2 p. m., of the same day.)

INDEX

	Page
Adams, John G.....	2346, 2347, 2370-2372, 2374-2379, 2384, 2389, 2390
Air Force (United States).....	2355
Appleton State Bank.....	2351
Appropriations Committee.....	2346
Army (United States).....	2347, 2349, 2355-2357, 2362, 2363, 2375, 2380-2382, 2385, 2386, 2389, 2392-2395
Army Intelligence (G-2).....	2392-2395
Army Signal Corps.....	2347, 2349, 2355, 2362, 2363, 2375
Assistant Secretary of State.....	2395
Attorney General of the United States.....	2392-2394
Berle, Mr.....	2395
Bishop of Arizona (former).....	2360
Brownell, Mr.....	2392-2394
Camp Kilmer.....	2365, 2370
Capitol Police.....	2345
Carey, James B.....	2360-2362
Carr, Francis P.....	2369-2371, 2378, 2390
Chambers, Whittaker.....	2395
CIO (Congress of Industrial Organizations).....	2362
Clifford, Clark.....	2350-2352, 2354
Cohn, Roy M., testimony of.....	2346-2396
Coleman, Aaron.....	2356, 2364, 2383, 2392
Columbia.....	2367
Comintern.....	2354
Committee on Appropriations (Senate).....	2346
Committee on Un-American Activities (House).....	2383
Communist association.....	2354
Communist conspiracy.....	2354
Communist infiltration in the Army.....	2381, 2382, 2385, 2386
Communist infiltration of Fort Monmouth laboratories.....	2369
Communist Party.....	2348, 2354, 2355, 2358-2365, 2369, 2375, 2380-2382, 2385, 2386, 2388, 2389, 2394-2396
Communist Russia.....	2364
Communist spy.....	2395
Communists.....	2348, 2354, 2355, 2358-2365, 2369, 2375, 2380-2382, 2385, 2386, 2388, 2389, 2394-2396
Communists in the radar laboratories.....	2358
Congress of Industrial Organizations (CIO).....	2362
Conklin, William R.....	2349
Counselor to the Army.....	2346, 2347, 2370-2372, 2374-2379, 2384, 2389, 2390
Crouch, Mr.....	2381, 2382
Daily Worker.....	2351, 2352
Defense Department (United States).....	2389
Department of the Army.....	2347, 2349, 2355-2357, 2362, 2363, 2375, 2380-2382, 2385, 2386, 2389, 2392-2395
Department of Justice.....	2356, 2357, 2393
Dirksen, Senator.....	2346
Drake Hotel.....	2372
Driscoll, Mary.....	2379
Dworshak, Senator.....	2346
Emerson Electric Manufacturing Co. (St. Louis).....	2361
Emercon Radio Co.....	2360
Espionage Act.....	2395
"Espionage-Russian".....	2383
Europe.....	2383

	Page
FBI (Federal Bureau of Investigation).....	2356,
	2357, 2366, 2381-2383, 2385, 2388, 2391-2394
FBI.....	2381, 2382, 2385, 2394
FBI report.....	2383, 2388
Federal Bureau of Investigation (FBI).....	2356,
	2357, 2366, 2381-2383, 2385, 2388, 2391-2394
Federal Telecommunications Laboratory.....	2355, 2363, 2364
Fifth amendment Communist doctor.....	2364
Fifth amendment Communist major.....	2365
Fort Monmouth.....	2346, 2348-
	2350, 2354-2358, 2362, 2363, 2369, 2377, 2382, 2383, 2385, 2391-2393
G-2 (Army Intelligence).....	2392-2395
General Electric plant (Schenectady, N. Y.).....	2362
Goldwater, Senator Barry.....	2360
Government Printing Office.....	2356, 2395, 2396
Greenglass, David.....	2360, 2369
Haskins.....	2380
Hiss, Alger.....	2395
Hiss case.....	2395
Hoover, J. Edgar.....	2392
Hotel Drake.....	2372
House Un-American Activities Committee.....	2383
Information Service (Voice of America).....	2355
International Telephone & Telegraph Co.....	2355
Jenner, Senator William.....	2375
Juliana, Mr.....	2368, 2373
Justice Department.....	2356, 2357, 2393
Kiermas, Ray.....	2351
Laboratory (Nuttley, N. J.).....	2355
Lawton, General.....	2358, 2359, 2366-2370, 2375
Levine, Ruth.....	2355
Loyalty boards.....	2371, 2380
Lustron Corp.....	2351
Matthews, J. B.....	2360
McCarthy, Senator Joe.....	2346-2354, 2358-2366, 2375-2379, 2384, 2387-2390, 2395
McClellan, Senator.....	2346
Military Intelligence (G-2).....	2392-2395
Mundt, Senator.....	2395
New York City.....	2372
New York Times.....	2349
Nixon, Vice President.....	2395
Nuttley, N. J.....	2355
Pentagon.....	2385, 2386, 2388
Peress case.....	2384
Philadelphia, Pa.....	2349
Potter, Senator.....	2362
Prewitt, Mr.....	2376
Privileges and Elections Subcommittee (Senate).....	2350
Radar laboratories.....	2358, 2388
Rosenberg, Julius.....	2349, 2360, 2383
Rosenberg trial.....	2383
Rosenbergs.....	2363
Russian espionage.....	2383
St. Clair, Mr.....	2363
St. Louis, Mo.....	2360, 2361
San Francisco.....	2395
Scarlett, Bishop Emeritus Will.....	2360
Schenectady, N. Y.....	2362
Selene, G. David.....	2367, 2372-2374, 2376-2378, 2381, 2382
Seattle, Wash.....	2364
Secret radar laboratories.....	2388
Secretary of the Army.....	2346-2352,
	2357-2359, 2362, 2366, 2370, 2375, 2384-2388, 2391, 2392, 2394
Secretary General (United Nations).....	2395
Senate cafeteria.....	2379
Senate Committee on Appropriations.....	2346
Senate Subcommittee on Privileges and Elections.....	2350

Page

Senate of the United States	2350, 2351, 2353
Sentner, Mr.	2354, 2360
Signal Corps (United States Army)	2347, 2349, 2355, 2362, 2363, 2375
Signal Corps Laboratories (Fort Monmouth)	2349, 2362
State Department	2395
Stevens, Robert T.	2346-2352,
	2357-2359, 2362, 2366, 2370, 2375, 2384-2388, 2391, 2392, 2394
Subcommittee on Privileges and Elections (Senate)	2350
Symington, Senator	2351, 2354
Symington, document	2352
Telecommunications Laboratory (Federal)	2355, 2363, 2364
Un-American Activities Committee (House)	2383
United Electrical Workers	2359, 2360
United Nations Conference (San Francisco)	2395
United States Air Force	2355
United States Army	2347, 2349,
	2355-2357, 2362, 2363, 2375, 2380-2382, 2385, 2386, 2389, 2392-2395
United States Army Signal Corps	2347, 2349, 2355, 2362, 2363, 2375
United States Attorney General	2392-2394
United States Congress	2353
United States Department of Defense	2389
United States Department of Justice	2356, 2357, 2393
United States Department of State	2395
United States Senate	2350, 2351, 2353
United States Vice President	2350
Vice President (United States)	2350, 2351-2395
Voice of America (Information Service)	2355, 2382
Washington, D. C.	2371
World series tickets	2373
Yokohama, Japan	2364

